Appendix G. Correspondence from the U.S. Fish and Wildlife Service Regarding the Endangered Species Act Requirement

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

NOV 0 8 2006

In Reply Refer To:
ES-61411/W.35/WY07FA0023
ES-6-WY-07-F004

Joel Bladow
Regional Manager
Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland, Colorado 80539

Dear Mr. Bladow:

Thank you for your letters of October 12, and November 3, 2006, received in our office on October 13 and November 6, regarding the proposed upgrade to the existing 181-mile, 115-kilovolt transmission line located in portions of Carbon, Albany and Laramie counties, Wyoming, and Weld County, Colorado. The project consists of two segments: the 146-mile Cheyenne to Miracle Mile (CH-MM) segment extending from north-central Carbon County to a substation in south-central Laramie County and the 35-mile Ault to Cheyenne (AU-CH) segment extending from north-western Weld County to the substation in south-central Laramie County.

The U.S. Fish and Wildlife Service (Service) has previously provided comments on this project in our letters of November 6, 2002 (WY6404), September 7, 2004 (WY 8707), February 15, 2006 (WY10125), and August 3, 2006. Based on the interstate nature of this project, the Service's Cheyenne Field Office has coordinated with the Service's Colorado Field Office and together we have agreed that the Cheyenne Field Office would take the lead to assist you in compliance with the Endangered Species Act of 1973, as amended (Act, 16 U.S.C. 1531 *et seq.*). You have requested consultation pursuant to section 7(a)(2) of the Act for your determination of effects to listed and proposed species from this project. The Service is providing you with concurrence based on the information you have provided.

Your letter states that Western Area Power Administration (Western) proposes to remove any existing power poles within suitable Preble's meadow jumping mouse (*Zapus hudsonius preblei*) habitat by cutting poles at ground level and avoiding any ground disturbing activities.

Additionally, Western is committed to avoid new construction in suitable habitat by placing power poles outside of habitat and spanning it. The Service concurs with your determination of "may affect, not likely to adversely affect" based on your commitments.

Your letter states that a known bald eagle (*Haliaeetus leucocephalus*) nest is located within 0.85-mile of the transmission line in Wyoming. However, the Service concurs with your "may affect, not likely to adversely affect" determination for bald eagle based on your commitments to: (1) conduct presence/absence surveys within 1-mile of proposed activities prior to commencement of the project; (2) to prohibit construction activities within 1-mile of an active nest from February 1 to July 31; and, (3) design and construct the transmission line in conformance with *Suggested Practices for Protection of Raptors on Powerlines* (Avian Power Line Interaction Committee 1996) to eliminate the potential for raptor electrocution.

Platte River Depletions

It has been determined the proposed action, located in Carbon, Albany, and Laramie County, Wyoming, constitutes a new project that will result in an annual depletion of 1.4 acre-feet (af) to both the central and lower reaches of the Platte River. Since 1978, the Service has consistently taken the position in its section 7 consultations that Federal agency actions resulting in water depletions to the Platte River system are likely to jeopardize the continued existence of one or more federally-listed threatened or endangered species and adversely modify or destroy designated and proposed critical habitat. During the course of informal consultations with a number of Federal agencies, the Service learned that there are over 1,000 proposed projects which will deplete water from the Platte River system and require formal section 7 consultation. It was also determined that the vast majority of these projects would likely result in individual depletions of 25 af or less per year. To effectively deal with such an anticipated large workload, it was necessary for the Service to develop a streamlined approach which meets the requirements of section 7 for offsetting the adverse effects of each Federal agency action resulting in a minor water depletion.

An intra-Service section 7 consultation was conducted in coordination with those Federal agencies whose actions may result in minor water depletions of 25 af or less per year to the Platte River system. This led to the issuance of a biological opinion by the Service on June 13, 1996, which provides reasonable and prudent alternatives to avoid the likelihood of jeopardy to federally-listed species and adverse modification or destruction of designated critical habitat occurring along the Platte River. A revision of the 1996 biological opinion made a no jeopardy determination contingent upon the implementation of conservation measures (formerly reasonable and prudent alternatives in the 1996 biological opinion) by the Federal agencies. To satisfy the requirements of the ESA, Federal action agencies and project proponents (i.e., Federal and non-Federal) are provided conservation measures described in the 2002 revised biological opinion furnished to your agency. Consequently, the Service concurs with your determination that the proposed project may adversely affect the federally-listed whooping crane, interior least tern, piping plover, pallid sturgeon, and designated whooping crane and piping plover critical habitat.

As a result of section 7 consultation on the proposed Federal action described in the first paragraph, it is our understanding that you intend to take advantage of the conservation measures authorizing the use of funds in a National Fish and Wildlife Foundation account to offset the project-related impacts to Platte River fish and wildlife resources. Therefore, it has been calculated that $ 301.88 will be debited from the Foundation account to use in restoring Platte River habitat as described in the referenced biological opinion.

The Service hereby agrees that the process described above will serve to offset the project-related impacts and avoid the likelihood of adverse effects to federally-listed species and their designated and proposed critical habitat. Any need for reinitiation of formal consultation on this proposed action is outlined in the CONCLUSION section of the referenced (2002) biological opinion.

Section 9 of ESA, as amended, prohibits taking harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct) of listed species of fish and wildlife without a special exemption. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the Agency action is not considered a prohibited taking provided that such taking is in compliance with the terms and conditions of an incidental take statement. The Service does not anticipate that the proposed action will result in any incidental take of any threatened or endangered species. Therefore, no incidental take is authorized.

This concludes formal and informal consultation pursuant to the regulations implementing the Act. This project should be re-analyzed if new information reveals effects of the action that may affect listed or proposed species or designated or proposed critical habitat in a manner or to an extent not considered in this consultation; if the action is subsequently modified in a manner that causes an effect to a listed or proposed species or designated or proposed critical habitat that was not considered in this consultation; and/or, if a new species is listed or critical habitat is designated that may be affected by this project.

Other Determinations

You have made a "no effect" determination for Mexican spotted owl (*Strix occidentalis lucida*), black-footed ferret (*Mustela nigripes*), Wyoming toad (*Bufo baxteri*), blowout penstemon (*Penstemon haydenii*), Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*) , and Ute ladies'-tresses (*Spiranthes diluvialis*). Concurrence for no effect determinations is not required under the Act; however, the Service appreciates information regarding the status of these species in the project area.

We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have further questions regarding our letter or your responsibilities under the Act, please contact Kathleen Erwin of my staff at the letterhead address or phone (307) 772-2374, extension 228.

Sincerely,

for Brian T. Kelly
Field Supervisor
Wyoming Field Office

cc: FWS, Regional Office, Lakewood, CO, (M. Butler)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (V. Stelter)
WGFD, Non-Game Coordinator, Lander, WY (B. Oakleaf)

Reference

Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines – The State of the Art in 1996. Edison Electric Institute and the Raptor Research Foundation, Washington, D.C.

Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland, CO 80539-3003

November 3, 2006

Mr. Brian Kelly
Wyoming Field Supervisor
Ecological Services
U.S. Fish and Wildlife Service
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009

SUBJECT: Determination of Affect and Request for Consultation for Endangered, Threatened, Proposed, and Candidate Platte River Species for the Cheyenne-Miracle Mile and Ault-Cheyenne Transmission Line Rebuild Project

Dear Mr. Kelly:

The Western Area Power Administration (Western), an agency of the U.S. Department of Energy (DOE), is the lead federal agency for a project to rebuild and upgrade the existing 181-mile long 115-kilovolt (kV) Cheyenne to Miracle Mile (CH-MM) and Ault to Cheyenne (AU-CH) transmission line to a 230-kV transmission line system. The CH-MM and AU-CH transmission line runs from south-central Wyoming to northeastern Colorado. The proposed CH-MM and AU-CH transmission line project would rebuild and upgrade the existing transmission line and is designed to increase electrical transmission capacity and system reliability.

A list of federally listed threatened and endangered species, those proposed for listing, and candidates potentially occurring in the project area was developed based on information provided by the U.S. Fish and Wildlife Service's (USFWS's) Colorado Field Office, County Threatened, Endangered, Proposed, and Candidate (TEP&C) List (2005), and in a letter to Joel Bladow, Western Area Power Administration, dated February 15, 2006, (ES-61411/W.35/WY-10125). Western has previously consulted with the USFWS on non-Platte River Species in an October 12, 2006, correspondence. This consultation addresses the following Platte River Species:

Common Name	Scientific Name	Federal Status [1]	Potential State Occurrence [2]	Potential Occurrence Within the Immediate Project Area [3]
PLATTE RIVER SPECIES				
Piping plover	*Charadrius melodus*	T	N/A	PR
Interior least tern	*Sterna antillarum*	E	N/A	PR
Whooping crane	*Grus americana*	E	N/A	PR
Pallid sturgeon	*Scaphirhynchus albus*	E	N/A	PR

Western prairie fringed orchid	*Platanthera praeclara*	T	N/A	PR

[1] Federal status:
E = listed as federally endangered.
T = listed as federally threatened.

[2] N/A = not applicable.

[3] Species occurrence: CR=not present in project area but occur downstream of the project area with the Platte River system.

The Platte River species (whooping crane, interior least tern, piping plover, pallid sturgeon, and western prairie fringed orchid) could be adversely affected by surface water depletions (consumption) from the Platte River system as a result of project-related activities. These species (threatened or endangered) do not occur along the transmission line rights-of-way and thus would not be directly impacted. During construction of the CH-MM and AU-CH project, an estimated 1.4 acre feett (456,260 gallons) of water would be required. During the operational life of the project, no sustained water use would be necessary. There is no water supply to the proposed new substation.

In 2002, the USFWS prepared a biological opinion in its *Revised Intra-Service Section 7 Consultation for Federal Agency Actions Resulting in Minor Water Depletions to the Platte River System* (USFWS 2002). The biological opinion covers any federal actions other than wetland restoration projects that result in average annual depletions of 25 acre feet or less to the Platte River system, regardless of location within the basin. The effects analysis and conservation measures apply only to federally listed species, designated whooping crane habitat, and proposed critical habitat for the piping plover along the Platte River in Nebraska.

In accordance with the above-referenced biological opinion, "Federal agencies should continue to conclude that each action resulting in a depletion of 25 acre feet or less per year to the Platte River system may adversely affect the whooping crane, interior least tern, piping plover, and/or pallid sturgeon, designated whooping crane critical habitat, and proposed piping plover critical habitat" (FWS 2002). Since the CH-MM and AU-CH project would result in a depletion of less than 25-acre ft/year, Western has determined that the project may adversely affect these species and critical habitats. Western hereby requests consultation with the USFWS and requests the USFWS to debit the Fish and Wildlife Foundation account to off-set project impacts on downstream Platte River species.

U.S. Fish and Wildlife Service. 2002. Revised intra-service Section 7 consultation for the federal agency actions resulting in minor water depletions to the Platte River System. Memorandum to Assistant Regional Director, Ecological Service, Region 6, from Regional Director. 77 pp. + append.

If you are in agreement with our determinations, we would appreciate a letter of concurrence from the USFWS. If you have any questions or comments regarding this project, please telephone Rodney Jones at (970) 461-7371. Thank you for your assistance and cooperation on this project.

Sincerely,

Joel K. Bladow
Regional Manager

cc:

Ms. Kathleen Erwin
Fish and Wildlife Biologist
Wyoming Field Office
U.S. Fish and Wildlife Service
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009

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OCT 1 2 2006

Mr. Brian Kelly
Wyoming Field Supervisor
Ecological Services
U.S. Fish and Wildlife Service
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009

SUBJECT: Determination of Affect and Request for Consultation for Endangered, Threatened, Proposed, and Candidate Species for the Cheyenne-Miracle Mile and Ault-Cheyenne Transmission Line Rebuild Project

Dear Mr. Kelly:

The Western Area Power Administration (Western), an agency of the U.S. Department of Energy (DOE), is the lead federal agency for a project to rebuild and upgrade their existing 181-mile long 115-kilovolt (kV) Cheyenne to Miracle Mile (CH-MM) and Ault to Cheyenne (AU-CH) transmission line to a 230-kV transmission line system. The CH-MM and AU-CH transmission line runs from south-central Wyoming to northeastern Colorado. The proposed CH-MM and AU-CH transmission line project would rebuild and upgrade the existing transmission line and is designed to increase electrical transmission capacity and system reliability.

A list of federally listed threatened and endangered species, those proposed for listing, and candidates potentially occurring in the project area was developed based on information provided by the U.S. Fish and Wildlife Service's (USFWS's) Colorado Field Office County Threatened, Endangered, Proposed, and Candidate (TEP&C) List (2005) and in a letter to Joel Bladow, Western Area Power Administration, dated February 15, 2006 (ES-61411/W.35/WY-10125). The species in both Wyoming and Colorado addressed in the CH-MM and AU-CH biological assessment (BA) are presented in Table 1. Based on the results of the analysis of effects presented in the BA, a summary of the likely adverse effects of the Proposed Action on TEP&C species is presented in Table 2.

In the event any TEP&C species are found during construction of the proposed CH-MM and AU-CH transmission line, project-specific surface disturbance would be halted and the USFWS will be notified immediately. Section 7 consultation between Western and USFWS will be

re-initiated prior to restarting construction activities in the specific area.

The proposed right-of-way (ROW) is located outside of areas requiring black-footed ferret surveys (USFWS 2004). Re-introduced black-footed ferrets have not been documented in the vicinity of the CH-MM corridor, and, because the Wyoming Game and Fish Department (WGFD) anticipates little potential for impacts from the project, surveys are not recommended by the WGFD for ferrets along the corridor prior to construction. Furthermore, the black-footed ferret management plan requires the WGFD to remove ferrets from areas where construction projects could impact individuals (WGFD) and Bureau of Land Management 1991). Since no ferrets have been documented in or near the corridor and since it would be the responsibility of the WGFD to remove any such ferrets, the black-footed ferret would not be impacted. The project would have **no effect** on black-footed ferrets.

To minimize impacts to Preble's meadow jumping mouse, Western would conduct an inventory prior to construction to determine if any existing structures occur in potential Preble's habitat; these structures would be cut off at ground level to avoid disturbing Preble's meadow jumping mouse habitat. Therefore, the proposed project would have no direct impacts on Preble's meadow jumping mouse, their habitat, or their critical habitats. The proposed project would have negligible indirect effects on Preble's meadow jumping mouse because no topsoil removal or salvage is proposed, and thus there would be only negligible impacts on soil and vegetation resources and Preble's meadow jumping mouse, its habitat, or its critical habitats. Cumulative effects to the threatened Preble's meadow jumping mouse, its habitat, and/or critical habitat would not be significant because there are no past, present, or reasonably foreseeable future actions that, when combined with the proposed CH-MM and AU-CH transmission line project, would result in impacts beyond those that already exist. The proposed project **may affect but is not likely to adversely affect** Preble's meadow jumping mouse and/or their habitat. The project would also cross Preble's meadow jumping mouse critical habitat; however, the proposed project would **not adversely modify critical habitat**. Western has incorporated sufficient avoidance and other mitigation measures into the project that any effects to Preble's meadow jumping mouse would be insignificant.

The proposed project could adversely affect one bald eagle nest site identified within 0.85 mile of the proposed transmission line in Wyoming. To minimize impacts to nesting bald eagles, Western will conduct surveys prior to the initiation of construction-related activities within 1.0 mi of the construction corridor. No construction-related activities shall occur within 1.0 mi of any active bald eagle nest from February 1 through July 31. If the nest is determined to be active, Western will immediately notify the USFWS and a raptor mitigation plan will be developed and implemented with the concurrence of the USFWS, the BLM, and the WGFD. No impacts to nesting bald eagles would occur.

The closest bald eagle winter range, winter concentration area, and winter forage areas are

located approximately 3 miles west of the Ault Substation. There are no identified bald eagle winter ranges, winter concentration areas, or winter forage areas within 10 miles of the proposed transmission line in Wyoming. Therefore, the proposed project would have no effect on winter range, winter concentration areas, or winter forage areas.

Raptor electrocution and collision hazards are potential direct impacts to bald eagles; however, the potential for these impacts would be similar to the existing transmission structures and would be minimized by proper planning and construction design (Avian Power Line Interaction Committee [APLIC] 1994, 1996). The transmission line would be designed with a minimum of 5 ft of space between conductors to eliminate the chance of bald eagle electrocution. The project would also be designed in conformance with APLIC recommendations for minimizing collisions so that the potential for bald eagle collision would be low. Western would also install bird flight diverters at the Rock Creek crossing on both the rebuilt CH-MM transmission line and the existing Happy Jack-Miracle Mile transmission line to mitigate the potential for future raptor collisions at the Rock Creek crossing.

Indirect effects to bald eagles as a result of the proposed project include displacement of foraging bald eagles due to construction activities. However, displacement effects would be minimal because the proposed corridor does not contain bald eagle roosts, winter concentration areas, or specific winter foraging areas, although year-round foraging may occur anywhere along the corridor. Potential impacts to foraging habitat would be mitigated by timely implementation of reclamation and stabilization measures.

Impacts to large conifers and other trees may affect bald eagle perch and prey availability. Suitable perches (i.e., large snags and trees) occur along the CH-MM segment, but there are no identified winter ranges, roosts, forage, or concentration areas near this segment of the project. There are few suitable perches along the AU-CH segment. Because an existing power line is already in place, tree removal, tree topping, and limb removal would be limited to trees that pose a hazard to operation and maintenance of the transmission line. Therefore, the proposed project would likely have negligible indirect effects on bald eagles and/or their habitat.

Cumulative effects to the threatened bald eagle and/or its habitat would not be significant because there are no past, present, or reasonably foreseeable future actions that, when combined with the proposed CH-MM and AU-CH transmission line project, would result in impacts beyond those that already exist.

The proposed CH-MM and AU-CH transmission line project **may affect but is not likely to adversely affect** bald eagles and/or their habitat. Western has incorporated sufficient avoidance and other mitigation measures into the project that any effects to bald eagles would be discountable or insignificant.

Because no Mexican spotted owls have been documented and no habitat occurs along the transmission line corridor, the project will have **no effect** on Mexican spotted owls.

Since the project is over 12 miles from Hutton Lake and over 14 miles from Mortenson Lake, the two areas with Wyoming toad populations, the project would have **no effect** on this species (personal communication, 2004, with Kathleen Erwin, USFWS).

Because no known blowout penstemon or its habitat has been identified within the proposed project area, the project would have **no effect** on blowout penstemon and/or its habitat.

Direct effects to Ute ladies'-tresses could include the inadvertent destruction of plants during surface-disturbing activities and from traffic. Western would survey all areas to be disturbed and possible traffic ways for Ute ladies'-tresses during the appropriate time of year when the orchid is in flower and, if any are found, would consult with the USFWS to determine what actions are necessary to avoid or minimize impacts to Ute ladies'-tresses. During operations, traffic in potential Ute ladies'-tresses habitat would be restricted to existing roads. Indirect effects could include the temporary loss of habitat due to surface disturbance. The proposed project would have no cumulative effects on the threatened Ute ladies'-tresses and/or their habitat because there are no past, present, or reasonably foreseeable future actions that, when combined with the proposed CH-MM and AU-CH transmission line project, would result in any impacts beyond those that already exist. The proposed CH-MM and AU-CH transmission line project would have **no effect** on Ute ladies'-tresses and/or their habitat. Western has incorporated sufficient avoidance and other mitigation measures into the project that any effects to Ute ladies'-tresses would be insignificant.

Direct effects to Colorado butterfly plant could include the inadvertent destruction of individual plants during surface-disturbing activities and from traffic. Indirect effects could include the temporary habitat loss due to surface disturbance. Western would span all 3.5 mi of known Colorado butterfly plant habitat along the ROW and would limit traffic to existing roads. Operations traffic in known or potential Colorado butterfly plant habitat would also be restricted to existing roads. The proposed project is located outside of and would not disturb any designated critical habitat for the Colorado butterfly plant. The proposed project would have no cumulative effects on the Colorado butterfly plant and/or their habitat because there are no past, present, or reasonably foreseeable future actions that, when combined with the proposed CH-MM and AU-CH transmission line project, would result in any impacts beyond those that already exist. The proposed CH-MM and AU-CH transmission line project would have **no effect** on the Colorado butterfly plant, its habitat, or its critical habitat. Western has incorporated sufficient avoidance and other mitigation measures into the project that any effects to Colorado butterfly plant would be insignificant.

The Platte River species (whooping crane, interior least tern, piping plover, pallid sturgeon, and western prairie fringed orchid) could be adversely affected by surface water depletions (consumption) from the South Platte River system as a result of project-related activities. These species (threatened or endangered) do not occur along the ROW and thus would not be directly impacted.

In 2002, the USFWS prepared a biological opinion in its *Revised Intra-Service Section 7 Consultation for Federal Agency Actions Resulting in Minor Water Depletions to the Platte River System* (USFWS 2002). The biological opinion covers any federal actions other than wetland restoration projects that result in average annual depletions of 25 acre-ft or less to the Platte River system, regardless of location within the basin. The effects analysis and conservation measures apply only to federally listed species, designated whooping crane habitat, and proposed critical habitat for the piping plover along the Platte River in Nebraska.

For the CH-MM and AU-CH project, the only water use anticipated would be for soil compaction during construction of the Snowy Range substation. Compaction water would be obtained from the Laramie municipal water supply, which comes from the Laramie River and the Casper formation. The amount of water to be used is currently unknown but would be less than 25 acre-feet; however, any amount of water taken from the Platte River system for use on this project would be considered a depletion and would require Section 7 consultation with the USFWS. Therefore, once the amount of water is known, Western would initiate consultation with the USFWS on that amount.

Avian Power Line Interaction Committee. 1994. Mitigating bird collisions with power lines: The State of the Art in 1994. Edison Electric Institute, Washington, D.C. 78 pp. + append.

_____. 1996. Suggested practices for raptor protection on power lines: The State of the Art in 1996. Edison Electric Institute, Washington, D.C. 125 pp. + append.

U.S. Fish and Wildlife Service. 2002. Revised intra-service Section 7 consultation for the federal agency actions resulting in minor water depletions to the Platte River System. Memorandum to Assistant Regional Director, Ecological Service, Region 6, from Regional Director. 77 pp. + append.

_____. 2004. Letter from Brian Kelly to Interested Party, dated February 2, 2004. ES-61411/BFF/WY-746. 3 pp. + attach.

Wyoming Game and Fish Department and Bureau of Land Management. 1991. A cooperative management plan for black-footed ferrets, Shirley Basin/Medicine Bow, Wyoming. Prepared by Shirley Basin/Medicine Bow Black-footed Ferret Working Group. Published by Wyoming Game and Fish Department, Cheyenne, Wyoming.

If you are in agreement with our determinations, we would appreciate a letter of concurrence from the U.S. Fish and Wildlife Service. If you have any questions or comments regarding this project, please telephone Rodney Jones at (970) 461-7371. Thank you for your assistance and cooperation this project.

Sincerely,

JOEL K. BLADOW

Joel K. Bladow
Regional Manager

cc:

Ms. Kathleen Erwin
Fish and Wildlife Biologist
Wyoming Field Office
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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
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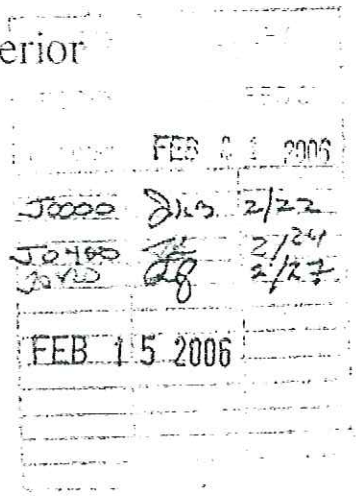

In Reply Refer To:
ES-61411/W.35/WY10125

Joel Bladow
Regional Manager
Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland, Colorado 80539

Dear Mr. Bladow:

Thank you for your letter of January 10, 2006, received in our office on January 13, regarding the proposed 146-mile, 115-kV transmission line between Cheyenne and Seminoe Wyoming in Laramie, Albany and Carbon counties. The U.S. Fish and Wildlife Service (Service) previously provided scoping comments on this project in our letter of November 6, 2002. Based on the expanded scope of the project and the length of time since our last comments, you have requested current information regarding listed and proposed species. Therefore we are providing the following comments for use in your analysis.

Federal Agency Responsibilities

The Service has responsibility, under a number of federal laws, treaties, Executive Orders, and memoranda of agreement, for the conservation and management of fish and wildlife resources. Some of these same authorities also require other federal agencies to consider, avoid, or prevent adverse impacts to fish, wildlife, and wetland resources. To ensure resources are afforded adequate consideration and protection, federal agencies are often required to consult with the Service regarding potential impacts their actions may have on fish and wildlife resources.

Our comments include information on (1) threatened, endangered and candidate species, (2) migratory birds, (3) wetlands and riparian areas, and (4) sensitive species, including petitioned species. The Service provides recommendations for protective measures for threatened and endangered species in accordance with the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Protective measures for migratory birds are provided in accordance with the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703 and the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668. Wetlands are afforded protection under Executive Orders 11990 (wetland protection) and 11988 (floodplain management), as well as section 404 of

the Clean Water Act. Other fish and wildlife resources are considered under the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended, 16 U.S.C. 661 *et seq*, and the Fish and Wildlife Act of 1956, as amended, 70 Stat. 1119, 16 U.S.C. 742a-742j.

Federal agencies and their non-federal representatives should work with the Service in developing surveys, impact minimization measures, and conservation measures for all federally listed species. If the proposed project may affect a listed species, consultation with the Service pursuant to section 7(a)(2) of the Act will be required. Section 7 (a)(1) of the Act directs federal agencies to utilize their authorities in furtherance of the purposes of the Act by carrying out programs for the conservation and recovery of listed species. Therefore we encourage you to incorporate measures into each project design for the conservation of listed species.

In accordance with section 7 of the Act, my staff has determined that the following threatened or endangered species, or species proposed for listing under the Act, may be present in the project area. We would appreciate receiving information as to the current status of each of these species within or near the project area.

SPECIES	STATUS	HABITAT
Bald eagle (*Haliaeetus leucocephalus*)	Threatened	Found throughout state
Black-footed ferret (*Mustela nigripes*)	Endangered	Prairie dog towns
Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*)	Threatened	Wet meadows and riparian areas
Critical Habitat for Colorado Butterfly Plant *Neomexicana ssp. Coloradensis)*	Designated	Wet meadows and riparian areas in Bear, Horse, (*Gaura* Lodgepole, Diamond,Spring, and Lone Tree Creeks and tributaries
Preble's meadow jumping mouse *(Zapus hudsonius preblei)*	Threatened	Riparian habitats east of Laramie Mts. and south of the N. Platte River
Critical habitat for Preble's meadow jumping mouse	Designated	Varying widths (360 - 394 feet from stream edge) along portions of Chugwater and Lodgepole creeks and some tributaries

Wyoming toad (*Bufo baxteri*)	Endangered	Wetlands in Laramie River
Ute ladies'-tresses (*Spiranthes diluvialis*)	Threatened	Seasonally moist soils and wet meadows of drainages below 7000 feet
Blowout penstemon (*Penstemon haydenii*)	Endangered	Sand dunes south of Ferris Mountains

If the proposed action may lead to consumptive use of water in the Platte River System, impacts to threatened and endangered species inhabiting the downstream reaches of this system should be included in the evaluation.

Platte River species	Endangered	Downstream riverine habitat of the Platte River in Nebraska

Bald eagle: While habitat loss still remains a threat to the bald eagle's full recovery, most experts agree that its recovery to date is encouraging. Adult eagles establish life-long pair bonds and build huge nests in the tops of large trees near rivers, lakes, marshes, or other wetland areas. During winter, bald eagles gather at night to roost in large mature trees, usually in secluded locations that offer protection from harsh weather. Bald eagles often return to use the same nest and winter roost year after year. Because bald eagles are particularly sensitive to human disturbance at their nests and communal roosts, protective buffers should be implemented around these areas [Buehler et al. 1991, Greater Yellowstone Bald Eagle Working Group (GYBEWG) 1996, Montana Bald Eagle Working Group (MBEWG) 1994, Stalmaster and Newman 1978, U.S. Fish and Wildlife Service (USFWS) 1986].

In Wyoming, general bald eagle nest buffer recommendations include minimizing or eliminating project-related disturbance and habitat alteration within 1 mile of bald eagle nests in open country. In more heavily forested or mountainous areas, where the line-of-sight distance from the nest is shorter, this buffer distance could potentially be reduced (see Stalmaster and Newman 1978, USFWS 1986). The nesting season occurs from February 1 to August 15 and bald eagle nest buffers should receive maximum protection during this time period. Also, for some activities (construction, seismic exploration, blasting, and timber harvest), a limited disturbance home range buffer may be required to extend outward into potential foraging habitat for 2.5 miles from the nest (GYBEWG 1996). We recommend that you contact the Service to determine the potential impact of your activity to nesting bald eagles if your project will cause disturbance within one of these nest buffer areas.

A communal roost is defined as an area where six or more eagles spend the night within 100 meters (328 feet) of each other (GYBEWG 1996). For bald eagle communal winter roosts, we recommend that disturbance be restricted within 1 mile of known communal winter roosts during

the period of November 1 to April 1 (BLM and USFWS 2002, 2003). Additionally, we recommend that ground disturbing activities be prohibited within 0.5 mile of active roost sites year round.

Disturbance sensitivity of roosting and nesting bald eagles may vary between individual eagles, topography, and intensity of activities. The buffers and timing stipulations, as described above, are normally implemented unless site-specific information indicates otherwise. Modification of buffer sizes may be permitted where biologically supported and in coordination with the Service.

The two primary causes of raptor (including bald eagles) mortality are electrocutions and collisions with power lines. The Service recommends that the project proponent take strong precautionary measures to protect bald eagles and other raptors by raptor-proofing power lines. All power lines should be built to meet all the requirements of the National Electrical Safety Code and the standards identified in the *Suggested Practices for Raptor Protection on Power Line: The State of the Art, Avian Power Line Interaction Committee* (APLIC 1996), to minimize electrocution potential.

Black-footed ferret: Black-footed ferrets may be affected if prairie dog towns are impacted. In Wyoming, black-footed ferret surveys are no longer recommended in black-tailed prairie dog towns or in white-tailed prairie dog towns except those noted in the enclosed February 2, 2004, letter. We encourage you to protect all prairie dog towns for their value to the prairie ecosystem and the myriad of species that rely on them. We further encourage you to analyze potentially disturbed prairie dog towns for their value to future black-footed ferret reintroduction.

If white-tailed prairie dog towns or complexes greater than 200 acres will be disturbed, surveys for ferrets may be recommended in order to determine if the action will result in an adverse effect to the species. Surveys may be recommended even if only a portion of the white-tailed prairie dog town or complex, as identified in the February 2004 letter, will be disturbed. According to the *Black-Footed Ferret Survey Guidelines* (USFWS 1989), a prairie dog complex consists of two or more neighboring prairie dog towns less than 7 km (4.3 miles) from each other. If a field check indicates that prairie dog towns may be affected, you should contact this office for guidance on ferret surveys and the protection of prairie dog ecosystems.

According to the project description, there may be potential for the project to affect the reintroduced (experimental/non-essential) population of black-footed ferrets within or near the Shirley Basin-Medicine Bow Management Area. Species listed as experimental/non-essential populations remain protected under the Act although additional flexibility is provided for their management under the provisions of the special regulations promulgated for this alternate status. Requirements for interagency consultation under section 7 of the Act differ based on the land ownership and/or management responsibility where the animals occur. On any unit of National Park System or National Wildlife Refuge System lands, species that are part of an experimental population are considered a threatened species and the full provisions of section 7 apply.

Additional management flexibility is provided for managing species which exist outside of the National Park or National Wildlife Refuge System (e.g., BLM lands). Species designated as nonessential experimental in these areas are treated as proposed rather than listed.

Colorado butterfly plant: The Colorado butterfly plant is a perennial herb endemic to moist soils in wet meadows of flood plain areas in southeastern Wyoming, north-central Colorado, and extreme western Nebraska between elevations of 5,000 and 6,400 feet. These plants are often found in low depressions or along bends in wide meandering stream channels a short distance upslope of the actual channel. Threats to the plant include non-selective herbicide spraying, haying and mowing schedules that inhibit the setting of seed, land conversion for cultivation and competition from noxious weeds. The low numbers and limited distribution contribute to the plant's vulnerability. Surveys should be conducted during flowering season which normally occurs in August although some temporal variability exists from site to site and from year to year depending on annual climatic conditions. Surveys should be conducted by knowledgeable botanists trained in conducting rare plant surveys. The Service does not maintain a list of "qualified" surveyors but can refer those wishing to become familiar with the Colorado butterfly plant to experts who can provide training/services.

Critical habitat for the Colorado butterfly plant has been designated in Laramie and Platte counties, Wyoming. In total, approximately 3,538 acres along 51 stream miles fall within the boundaries of critical habitat designation. For additional information see Federal Register notice (70 FR 1940). Management considerations for the Colorado butterfly plant include: maintaining surface and subsurface water flows that provide the essential hydrological regime that supports the species; appropriate restraints on application of herbicides used to control noxious weeds; preventing habitat degradation caused by plant community succession; and preventing harmful habitat fragmentation from residential and urban development that detrimentally affects plant-pollinator interactions, leads to a decline in species reproduction, and increases susceptibility to non-native plant species.

Preble's meadow jumping mouse: The Preble's meadow jumping mouse (Preble's) is a small rodent in the Zapodidae family and is 1 of 12 recognized subspecies of the species *Z. hudsonius*, the meadow jumping mouse. The diet of the Preble's consists of seeds, fruits, fungi and insects. Hibernation occurs from October to May in small underground burrows. Nests are made of grass, leaves or woody material in burrows the mouse excavates several centimeters underground. Preble's are primarily nocturnal or crepuscular, but have been observed during daylight. They occur in low undergrowth consisting of grasses, forbs, or a mix of both, in wet meadows and riparian corridors, or where tall shrubs and low trees provide adequate cover. Additionally, Preble's exhibits a preference for lush vegetation along watercourses or herbaceous understories in wooded areas with close proximity to water. In Wyoming, Preble's has been recently documented in Albany, Laramie, Platte and Converse Counties, and may occur in Goshen County. If a proposed project will result in a disturbance to suitable habitat within any of these five counties, surveys should be conducted prior to any action. Due to the difficulty in identifying the Preble's, surveys should be conducted by knowledgeable biologists trained in conducting these surveys.

Critical habitat has been designated for Preble's meadow jumping mouse in Albany, Converse, Laramie, and Platte counties along portions of Lodgepole, Chugwater, and Cottonwood creeks and their tributaries. Critical habitat varies in width from 360 feet to 394 feet on each side of the stream or tributary. Within critical habitat, four primary constituent elements necessary for the conservation of Preble's have been identified. These include: (1) a pattern of dense riparian vegetation consisting of grasses, forbs, and shrubs in areas along rivers and streams that provide open water through the Preble's active season; (2) adjacent floodplains and vegetated uplands with limited human disturbance (including hayed fields, grazed pasture, other agricultural lands that are not plowed or disced regularly, areas that have been restored after past aggregate extraction, areas supporting recreational trails, and urban/wildland interfaces); (3) areas that provide connectivity between and within populations (including river and stream reaches with minimal vegetative cover or that are armored for erosion control; travelways beneath bridges, through culverts, and along canals and ditches; and other areas that have experienced substantial human alteration or disturbance); and, (4) dynamic geomorphological and hydrological processes typical of systems within the range of the Preble's, *i.e.*, those processes that create and maintain river and stream channels, floodplains, floodplain benches, and promote patterns of vegetation favorable to the Preble's. Maps and more detailed location information are available at http://mountain-prairie.fws.gov/preble.

Blowout penstemon: Blowout penstemon is a perennial herb with stems less than 12 inches tall. The inflorescence is 2-6 inches long and has 6-10 compact whorls of milky-blue to pale lavender flowers. Blowout penstemon was listed as endangered on October 1 1987. The plant's current known range in Wyoming consists of the Ferris dunes area in northwest Carbon County where the plant is restricted to two habitat types: steep, northwest facing slopes of active sand dunes with less than 5 percent vegetative cover; and on north facing sandy slopes, on the lee side of active blowouts with 25 to 40 percent vegetative cover. Recent surveys have indicated that systematic surveys are warranted in all lower elevations (below 6700 feet) in Wyoming where sand blowout features are located.

Blowouts are formed as strong winds deposit sands from the windward side of a dune to the leeward side and result in a sparsely vegetated crater-like depression. Associated vegetation includes blowout grass, thickspike wheatgrass, lemon scurfpea, Indian ricegrass and western wheatgrass. Threats to the plant occur when sand dunes are removed or overly disturbed by vehicular traffic. Known populations in Wyoming are found between 6680-7440 feet (Fertig 2001). However, recent surveys by Blomquist and Heidel (June 2002) indicate that surveys may be warranted in some lower elevations where active sand blowout features occur. Surveys should be conducted from mid-June to early-July when flowering occurs by knowledgeable botanists trained in conducting rare plant surveys. The Service does not maintain a list of "qualified" surveyors but can refer those wishing to become familiar with the blowout penstemon to experts who can provide training services.

Ute ladies'-tresses: Ute ladies'-tresses is a perennial, terrestrial orchid, 8 to 20 inches tall, with white or ivory flowers clustered into a spike arrangement at the top of the stem. Ute ladies'-tresses typically blooms from late July through August; however, depending on location and

climatic conditions, it may bloom in early July or still be in flower as late as early October. Ute ladies'-tresses is endemic to moist soils near wetland meadows, springs, lakes, and perennial streams where it colonizes early successional point bars or sandy edges. The elevation range of known occurrences is 4,200 to 7,000 feet in alluvial substrates along riparian edges, gravel bars, old oxbows, and moist to wet meadows. Soils where Ute ladies'-tresses have been found typically range from fine silt/sand, to gravels and cobbles, as well as to highly organic and peaty soil types. Ute ladies'-tresses is not found in heavy or tight clay soils or in extremely saline or alkaline soils. Ute ladies'-tresses seems intolerant of shade and small scattered groups are found primarily in areas where vegetation is relatively open. Surveys should be conducted by knowledgeable botanists trained in conducting rare plant surveys. Ute ladies'-tresses is difficult to survey for primarily due to its unpredictability of emergence of flowering parts and subsequent rapid desiccation of specimens. The Service does not maintain a list of "qualified" surveyors but can refer those wishing to become familiar with the orchid to experts who can provide training or services.

Wyoming toad: The Wyoming toad historically occupied flood plains, ponds, and seepage lakes associated with shortgrass communities occurring between 7,000 and 7,500 feet in elevation within the Laramie Basin. The toad was associated with both the Big and Little Laramie Rivers. Populations of the Wyoming toad suffered a dramatic decline in the 1970s and the current distribution is limited to Mortenson Lake National Wildlife Refuge and possibly Hutton Lake National Wildlife Refuge. Western Ecosystems Technology Incorporated conducted in depth toad surveys following Service protocol in 1994 and 1995. No new populations were discovered.

Current recommendations call for surveys when proposed projects occur within 1-mile of any border of MLNWR or HLNWR during the toad's active season (May through September). These guidelines may change as new sites are established.

The Wyoming toad is currently found in the wild only at Mortenson Lake and possibly Lake Hutton National Wildlife Refuges in the Laramie Basin in Albany County. The toad was recently reintroduced to a small research project site in the Laramie Plains (2003) and on private land in Centennial, Wyoming (June 2005) as a result of a Safe Harbor Agreement dated August 2004.

Platte River water depletions: Water depletions to the Platte River system may affect the federally listed whooping crane (*Grus americana*), interior least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), pallid sturgeon (*Scaphirhynchus albus*), bald eagle (*Haliaeetus leucocephalus*), and western prairie fringed orchid (*Platanthera praeclara*). In addition, depletions may contribute to the destruction or adverse modification of designated critical habitat for the whooping crane and the northern Great Plains breeding population of the piping plover. Depletions include evaporative losses and/or consumptive use, often characterized as diversions from the Platte River or its tributaries less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), created or enhanced wetlands, hydrostatic testing of pipelines, wells, diversion structures, dust abatement, and water treatment facilities. Any actions that may result

in a water depletion to the Platte River system should be identified. The document should include: an estimate of the amount and timing of average annual water use (both historic and new uses) and methods of arriving at such estimates; location of where water use or diversion occurs as specifically as possible; if and when the water will be returned to the system; and what the water is being used for. Note that if the project has peculiarities or oddities, the Service may have more specific questions regarding the potential consumptive use of water.

Migratory Birds

Please recognize that consultation on listed species may not remove your obligation to protect the many species of migratory birds, including eagles and other raptors protected under the MBTA and BGEPA. The MBTA, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs except as permitted by regulations and does not require intent to be proven. Section 703 of the MBTA states, "Unless and except as permitted by regulations ... it shall be unlawful at any time, by any means or in any manner, to ... take, capture, kill, attempt to take, capture, or kill, or possess ... any migratory bird, any part, nest, or eggs of any such bird..." The BGEPA prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing.

In order to promote the conservation of migratory bird populations and their habitats, the Service recommends that you implement those strategies outlined within the Memorandum of Understanding directed by the President of the U.S. under the Executive Order 13186, where possible.

Sensitive Species

Federal agencies are also encouraged to consider sensitive species or species at risk in project review. Your consideration of these species is important in preventing their inclusion on the Endangered Species List. The Wyoming Natural Diversity Database maintains the most current information on sensitive plants in Wyoming. The database must charge for data retrieval to financially support the database and staff. The staff can be contacted at (307) 766-5026.

Mountain Plover

Although the Service has withdrawn the proposal to list the mountain plover (*Charadrius montanus*) and we will no longer be reviewing project impacts to this species under the Act, we continue to encourage federal agencies and their applicants to continue providing protection for this species as it remains protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Measures to protect the mountain plover from further decline may include (1) avoidance of suitable habitat during the plover nesting season (April 10 through July 10), (2) prohibition of ground disturbing activities in prairie dog towns, and (3) prohibition of any permanent above ground structures that may provide perches for avian predators or deter plovers from using preferred habitat. Suitable habitat for nesting mountain plovers includes grasslands, mixed grassland areas and short-grass prairie, shrub-steppe, plains, alkali flats, agricultural lands, cultivated lands, sod farms, and prairie dog towns. We strongly encourage the lead federal agency to develop protective measures with an assurance of implementation should mountain plovers be found within the project areas.

Greater Sage-grouse

The Service has determined that the greater sage-grouse (*Centrocercus urophasianus*) is unwarranted for listing at this time. However, the Service continues to have concerns regarding sage-grouse population status, trends and threats, as well as concerns for other sagebrush obligates. The following information is provided for your use in the evaluation of proposed actions and their potential effects to the sage-grouse.

Greater sage-grouse are dependent on sagebrush habitats year-round. Habitat loss and degradation, as well as loss of population connectivity have been identified as important factors contributing to the decline of greater sage-grouse populations rangewide (Braun 1998, Wisdom et al. 2002). Therefore, any activities that result in loss or degradation of sagebrush habitats that are important to this species should be closely evaluated for their impacts to sage-grouse. If important breeding habitat (leks, nesting or brood rearing habitat) is present in the project area, the Service recommends no project-related disturbance March 1 through June 30, annually. Minimization of disturbance during lek activity, nesting, and brood rearing is critical to sage-grouse persistence within these areas. Likewise, if important winter habitats are present, we recommend no project-related disturbance November 15 through March 14.

We recommend you contact the Wyoming Game and Fish Department to identify important greater sage-grouse habitats within the project area, and appropriate mitigative measures to minimize potential impacts from the proposed project. The Service recommends surveys and mapping of important greater sage-grouse habitats where local information is not available. The results of these surveys should be used in project planning, to minimize potential impacts to this species. No project activities that may exacerbate habitat loss or degradation should be permitted in important habitats.

In Wyoming, information suggests that greater sage-grouse populations are negatively affected by energy development activities, especially those that degrade important sagebrush habitat, even when mitigative measures are implemented (Braun 1998, Lyon 2000). Greater sage-grouse populations can repopulate areas developed for resource extraction after habitat reclamation for the species (Braun 1987). However, there is no evidence that populations attain their previous levels and reestablishment of sage-grouse in a reclaimed area may take 20 to 30 years, or longer (Braun 1998). Recent information from a doctoral dissertation on the impacts of oil and gas development to greater sage-grouse in the Pinedale Anticline found that as development increased, lek activity declined up to 100 percent (Holloran 2005) Therefore, this project should be carefully evaluated for long-term and cumulative effects on the greater sage-grouse, since reclamation may not restore populations to pre-activity levels. The Department of Energy should ensure this activity does not exacerbate greater sage-grouse declines on either a local or range-wide level.

Interrelated and Interdependent Effects

If the portion of the action on state and private lands within the project area would not occur, be feasible, or would occur to a lesser extent without the action on the federal land, the impacts to threatened and endangered species on the non-federal lands must be considered an interrelated

and interdependent effect. Under the Act, the federal agency is responsible for evaluating all potential impacts to listed species on state and private lands within the project area. The federal agency should also develop measures to avoid or minimize impacts to listed species on non-federal lands that would occur as a direct or indirect result of the project. The federal agency should notify all lessees of their responsibilities to comply with federal and other applicable regulations, regardless of land or mineral ownership (including the Endangered Species Act, the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act). If the federal agency, surface owners and lessees agree, these private and state lands can be included in section 7 consultation conducted on federal lands within the project area.

Wetlands/Riparian Areas

Wetlands perform significant ecological functions which include: (1) providing habitat for numerous aquatic and terrestrial wildlife species, (2) aiding in the dispersal of floods, (3) improving water quality through retention and assimilation of pollutants from storm water runoff, and (4) recharging the aquifer. Wetlands also possess aesthetic and recreational values. The Service recommends measures be taken to avoid and minimize wetland losses in accordance with Section 404 of the Clean Water Act and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands." If wetlands may be destroyed or degraded by proposed actions, those wetlands should be inventoried and fully described in terms of their functions and values. Acreage of wetlands, by type, should be disclosed and specific actions should be outlined to avoid, minimize, and compensate for all unavoidable wetland impacts.

Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian areas are the single most productive wildlife habitat type in North America. They support a greater variety of wildlife than any other habitat. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining the water table, controlling flooding, and providing shade and cover. In view of their importance and relative scarcity, impacts to riparian areas should be avoided. Any potential, unavoidable encroachment into these areas should be further avoided and minimized. Unavoidable impacts to streams should be assessed in terms of their functions and values, linear feet and vegetation type lost, potential effects on wildlife, and potential effects on bank stability and water quality. Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the project.

Plans for mitigating unavoidable impacts to wetland and riparian areas should include mitigation goals and objectives, methodologies, time frames for implementation, success criteria, and monitoring to determine if the mitigation is successful. The mitigation plan should also include a contingency plan to be implemented should the mitigation not be successful. In addition, wetland restoration, creation, enhancement, and/or preservation does not compensate for loss of stream habitat; streams and wetlands have different functions and provide different habitat values for fish and wildlife resources.

Best Management Practices (BMPs) should be implemented within the project area wherever possible. BMPs include, but are not limited to, the following: installation of sediment and erosion control devices (e.g., silt fences, hay bales, temporary sediment control basins, erosion

control matting); adequate and continued maintenance of sediment and erosion control devices to insure their effectiveness; minimization of the construction disturbance area to further avoid streams, wetlands, and riparian areas; location of equipment staging, fueling, and maintenance areas outside of wetlands, streams, riparian areas, and floodplains; and re-seeding and re-planting of riparian vegetation native to Wyoming in order to stabilize shorelines and streambanks.

If the scope of the project is changed, or the project is modified, in a manner that you determine may affect a listed species, this office should be contacted to discuss consultation requirements pursuant to section 7(a)(2) of the Act. If you have further questions regarding our comments or your responsibilities under the Act, please contact Kathleen Erwin of my staff at the letterhead address or phone (307)772-2374, extension 28.

Sincerely,

Brian T. Kelly
Field Supervisor
Wyoming Field Office

Enclosure (1)

cc: BLM, Wildlife Biologist, Rawlins (M. Read)
FWS, Regional Office, Energy Coordinator, Lakewood, CO (B. Dach)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (V. Stelter)
WGFD, Non-Game Coordinator, Lander, WY (B. Oakleaf)

References

Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines - The State of the Art in 1996. Edison Electric Institute and the Raptor Research Foundation. Washington, D.C.

Fertig, Walt. 2001. 2000 Survey of Blowout Penstemon (*Penstemon haydenii*) in Wyoming. Report prepared for the Wyoming Cooperative Fish and Wildlife Research Unit, US Fish and Wildlife Service, a Wyoming Game and Fish Department by the Wyoming Natural Diversity Database, Laramie, Wyoming.

Blomquist, Frank, and Bonnie Heidel. 2002. 2002 Census of Blowout Penstemon (*Penstemon haydenii*), Bear Mountain-Junk Hill Population (EO#002), 25 and 27 June 2002. Report prepared for the Bureau of Land Management, Rawlins, Wyoming and Wyoming Natural Diversity Database, Laramie, Wyoming.

Colorado Field Office County List
Updated November 2005

Symbols:
* Water depletions in the Upper Colorado River and San Juan River Basins, may affect the species and/or critical habitat in downstream reaches in other states.
▲ Water depletions in the South Platte River may affect the species and/or critical habitat in downstream reaches in other states.
© There is designated critical habitat for the species within the county.
T Threatened
E Endangered
P Proposed
X Experimental
C Candidate

For additional information contact: U.S. Fish and Wildlife Service, Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215, telephone 303-275-2370
U.S. Fish and Wildlife Service, Western Colorado Field Office, 764 Horizon Drive, Building B, Grand Junction, Colorado 81506, telephone 970-243-2778

Species	Scientific Name	Status
ADAMS		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon▲	Scaphirhynchus albus	E
Piping plover▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane▲	Grus americana	E
ALAMOSA		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Gunnison sage-grouse	Centrocercus minimus	C
Mexican spotted owl	Strix occidentalis lucida	T
Southwestern willow flycatcher	Empidonax traillii extimus	E
Yellow-billed cuckoo	Coccyzus americanus	C
ARAPAHOE		
Bald eagle	Haliaeetus leucocephalus	T

Black-footed ferret	Mustela nigripes	E
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
ARCHULETA		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Mexican spotted owl	Strix occidentalis lucida	T
Pagosa skyrocket	Ipomopsis polyantha	C
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Yellow-billed cuckoo	Coccyzus americanus	C
BACA		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Lesser prairie chicken	Tympanuchus pallidicinctus	C
BENT		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)	Sterna antillarum	E
Lesser prairie chicken	Tympanuchus pallidicinctus	C
Piping plover	Charadrius melodus	T
BOULDER		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Colorado butterfly plant	Gaura neomexicana spp. coloradensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T

Slender moonwort	Botrychium lineare	C
Ute ladies'-tresses	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
BROOMFIELD		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Colorado butterfly plant	Gaura neomexicana spp. coloradensis	T
Least tern (interior population) ▲	Sterna antillarum	E
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
CHAFFEE		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Gunnison sage-grouse	Centrocercus minimus	C
Mexican spotted owl	Strix occidentalis lucida	T
Uncompahgre fritillary butterfly	Boloria acrocnema	E
CHEYENNE		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Lesser prairie chicken	Tympanuchus pallidicinctus	C
CLEAR CREEK		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Slender moonwort	Botrychium lineare	C
Whooping crane ▲	Grus americana	E
CONEJOS		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Gunnison sage-grouse	Centrocercus minimus	C
Mexican spotted owl	Strix occidentalis lucida	T

Southwestern willow flycatcher	Empidonax traillii extimus	E
Yellow-billed cuckoo	Coccyzus americanus	C
COSTILLA		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Gunnison sage-grouse	Centrocercus minimus	C
Mexican spotted owl	Strix occidentalis lucida	T
Southwestern willow flycatcher	Empidonax traillii extimus	E
Yellow-billed cuckoo	Coccyzus americanus	C
CROWLEY		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)	Sterna antillarum	E
Lesser prairie chicken	Tympanuchus pallidicinctus	C
Piping plover	Charadrius melodus	T
CUSTER		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Mexican spotted owl	Strix occidentalis lucida	T
DELTA		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Bonytail	Gila elegans	E
Canada lynx	Lynx canadensis	T
Clay-loving wild buckwheat	Eriogonum pelinophilum	E
Colorado pikeminnow©	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub	Gila cypha	E
Razorback sucker©	Xyrauchen texanus	E
Uinta Basin hookless cactus	Sclerocactus glaucus	T
Yellow-billed cuckoo	Coccyzus americanus	C
DENVER		
Bald eagle	Haliaeetus leucocephalus	T
Least tern (interior population) ▲	Sterna antillarum	E
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T

Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
DOLORES		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub*	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
DOUGLAS		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Colorado butterfly plant	Gaura neomexicana spp. coloradensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Pawnee montane skipper	Hesperia leonardus montana	T
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse©	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
EAGLE		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
ELBERT		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E

Least tern (interior population) ▲	Sterna antillarum	E
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Whooping crane ▲	Grus americana	E
EL PASO		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Slender moonwort	Botrychium lineare	C
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
FREMONT		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Mexican spotted owl	Strix occidentalis lucida	T
GARFIELD		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow©	Ptychocheilus lucius	E
De Beque phacelia	Phacelia submutica	C
Humpback chub	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Parachute beardtongue	Penstemon debilis	C
Razorback sucker©	Xyrauchen texanus	E
Uinta Basin hookless cactus	Sclerocactus glaucus	T
Yellow-billed cuckoo	Coccyzus americanus	C
GILPIN		
Canada lynx	Lynx canadensis	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E

Piping plover▲	Charadrius melodus	T
Whooping crane▲	Grus americana	E
GRAND		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Osterhout milkvetch	Astragalus osterhoutii	E
Penland beardtongue	Penstemon penlandii	E
Razorback sucker*	Xyrauchen texanus	E
Slender moonwort	Botrychium lineare	C
Yellow-billed cuckoo	Coccyzus americanus	C
GUNNISON		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
HINSDALE		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
HUERFANO		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Mexican spotted owl	Strix occidentalis lucida	T
JACKSON		

Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Least tern (interior population) ▲	Sterna antillarum	E
North Park phacelia	Phacelia formosula	E
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Whooping crane ▲	Grus americana	E
JEFFERSON		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Colorado butterfly plant	Gaura neomexicana spp. coloradensis	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Pawnee montane skipper	Hesperia leonardus montana	T
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse©	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
KIOWA		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)	Sterna antillarum	E
Lesser prairie chicken	Tympanuchus pallidicinctus	C
Piping plover	Charadrius melodus	T
KIT CARSON		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
LAKE		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Penland alpine fen mustard	Eutrema penlandii	T
Slender moonwort	Botrychium lineare	C
Uncompahgre fritillary butterfly	Boloria acrocnema	E
LA PLATA		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T

Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Knowlton cactus	Pediocactus knowltonii	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
LARIMER		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Colorado butterfly plant	Gaura neomexicana spp. coloradensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Least tern (interior population)▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
North Park phacelia	Phacelia formosula	E
Pallid sturgeon▲	Scaphirhynchus albus	E
Piping plover▲	Charadrius melodus	T
Preble's meadow jumping mouse©	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane▲	Grus americana	E
LAS ANIMAS		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Mexican spotted owl	Strix occidentalis lucida	T
LINCOLN		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)▲	Sterna antillarum	E
Lesser prairie chicken	Tympanuchus pallidicinctus	C
Pallid sturgeon▲	Scaphirhynchus albus	E
Piping plover▲	Charadrius melodus	T
Whooping crane▲	Grus americana	E
LOGAN		
Bald eagle	Haliaeetus leucocephalus	T
Least tern (interior population)▲	Sterna antillarum	E
Pallid sturgeon▲	Scaphirhynchus albus	E

Piping plover	Charadrius melodus	T
Whooping crane ▲	Grus americana	E
MESA		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail©	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow©	Ptychocheilus lucius	E
De Beque phacelia	Phacelia submutica	C
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub©	Gila cypha	E
Razorback sucker©	Xyrauchen texanus	E
Uinta Basin hookless cactus	Sclerocactus glaucus	T
Yellow-billed cuckoo	Coccyzus americanus	C
MINERAL		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
MOFFAT		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Bonytail©	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow©	Ptychocheilus lucius	E
Humpback chub©	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker©	Xyrauchen texanus	E
Yellow-billed cuckoo	Coccyzus americanus	C
MONTEZUMA		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Mancos milkvetch	Astragalus humillimus	E
Mesa Verde cactus	Sclerocactus mesae-verdae	T
Mexican spotted owl	Strix occidentalis lucida	T

Razorback sucker*	Xyrauchen texanus	E
Sleeping Ute milkvetch	Astragalus tortipes	C
Southwestern willow flycatcher	Empidonax traillii extimus	E
Yellow-billed cuckoo	Coccyzus americanus	C
MONTROSE		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Clay-loving wild buckwheat	Eriogonum pelinophilum	E
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub*	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Uinta Basin hookless cactus	Sclerocactus glaucus	T
Yellow-billed cuckoo	Coccyzus americanus	C
MORGAN		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)	Sterna antillarum	E
Pallid sturgeon▲	Scaphirhynchus albus	E
Piping plover	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane▲	Grus americana	E
OTERO		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)	Sterna antillarum	E
Piping plover	Charadrius melodus	T
OURAY		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E

Yellow-billed cuckoo	Coccyzus americanus	C
PARK		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Pawnee montane skipper	Hesperia leonardus montana	T
Penland alpine fen mustard	Eutrema penlandii	T
Piping plover ▲	Charadrius melodus	T
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Whooping crane ▲	Grus americana	E
PHILLIPS		
Bald eagle	Haliaeetus leucocephalus	T
PITKIN		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
PROWERS		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population)	Sterna antillarum	E
Lesser prairie chicken	Tympanuchus pallidicinctus	C
Piping plover	Charadrius melodus	T
PUEBLO		
Arkansas darter	Etheostoma cragini	C
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Canada lynx	Lynx canadensis	T
Greenback cutthroat trout	Oncorhynchus clarki stomias	T
Mexican spotted owl	Strix occidentalis lucida	T

RIO BLANCO		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow©	Ptychocheilus lucius	E
Dudley Bluffs bladderpod	Lesquerella congesta	T
Dudley Bluffs twinpod	Physaria obcordata	T
Graham beardtongue	Penstemon grahamii	C
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
White River beardtongue	Penstemon scariosus var. albifluvis	C
Yellow-billed cuckoo	Coccyzus americanus	C
RIO GRANDE		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
ROUTT		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Razorback sucker*	Xyrauchen texanus	E
Yellow-billed cuckoo	Coccyzus americanus	C
SAGUACHE		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub*	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E

Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
SAN JUAN		
Bald eagle	Haliaeetus leucocephalus	T
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
SAN MIGUEL		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Gunnison sage-grouse	Centrocercus minimus	C
Humpback chub*	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Razorback sucker*	Xyrauchen texanus	E
Southwestern willow flycatcher	Empidonax traillii extimus	E
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C
SEDGWICK		
Bald eagle	Haliaeetus leucocephalus	T
Least tern (interior population)	Sterna antillarum	E
Pallid sturgeon▲	Scaphirhynchus albus	E
Piping plover	Charadrius melodus	T
Whooping crane▲	Grus americana	E
SUMMIT		
Bald eagle	Haliaeetus leucocephalus	T
Bonytail*	Gila elegans	E
Canada lynx	Lynx canadensis	T
Colorado pikeminnow*	Ptychocheilus lucius	E
Humpback chub*	Gila cypha	E
Mexican spotted owl	Strix occidentalis lucida	T
Penland alpine fen mustard	Eutrema penlandii	T
Razorback sucker*	Xyrauchen texanus	E
Slender moonwort	Botrychium lineare	C
Uncompahgre fritillary butterfly	Boloria acrocnema	E
Yellow-billed cuckoo	Coccyzus americanus	C

TELLER		
Bald eagle	Haliaeetus leucocephalus	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Pawnee montane skipper	Hesperia leonardus montana	T
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse©	Zapus hudsonius preblei	T
Whooping crane ▲	Grus americana	E
WASHINGTON		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Least tern (interior population) ▲	Sterna antillarum	E
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Whooping crane ▲	Grus americana	E
WELD		
Bald eagle	Haliaeetus leucocephalus	T
Black-footed ferret	Mustela nigripes	E
Colorado butterfly plant	Gaura neomexicana spp. coloradensis	T
Least tern (interior population) ▲	Sterna antillarum	E
Mexican spotted owl	Strix occidentalis lucida	T
Pallid sturgeon ▲	Scaphirhynchus albus	E
Piping plover ▲	Charadrius melodus	T
Preble's meadow jumping mouse	Zapus hudsonius preblei	T
Ute ladies'-tresses orchid	Spiranthes diluvialis	T
Whooping crane ▲	Grus americana	E
YUMA		
Bald eagle	Haliaeetus leucocephalus	T

Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland, CO 80539-3003

JAN 10 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED 7003 1010 002 5816 9689

Mr. Brian T. Kelly
Field Supervisor
Wyoming Field Office
U.S. Fish and Wildlife Service
4000 Airport Parkway
Cheyenne, WY 82001

SUBJECT: Request for Updated List of Endangered, Threatened or Sensitive Species, or Critical Habitats for the Cheyenne-Miracle Mile and Ault-Cheyenne Transmission Line Rebuild Project--ES-61411ke/W.35/WY66404

Dear Mr. Kelly:

Western Area Power Administration, Rocky Mountain Region (Western) is proposing to rebuild the Cheyenne-Miracle Mile 115-kV Transmission Line between Cheyenne and Seminoe, Wyoming, and the Ault-Cheyenne 115-kV Transmission Line between Cheyenne, Wyoming, and Ault, Colorado (Maps enclosed). The transmission lines are located in Laramie, Albany, and Carbon Counties, Wyoming.

On October 3, 2002, Western requested a list of endangered, threatened or sensitive species, or critical habitats for the Cheyenne-Miracle Mile Transmission Line Rebuild Project. On November 6, 2002, the U. S. Fish and Wildlife Service, Wyoming Field Office, responded with species lists specific for Laramie, Albany, and Carbon Counties. Copies of both correspondences are enclosed for your reference.

Since that time, Western has expanded the scope of the project to include the rebuild of the Ault-Cheyenne Transmission Line, which is located south of Cheyenne in Laramie County. Both transmission lines cross primarily private land, although there are some public lands managed by the Bureau of Land Management and the State of Wyoming.

In accordance with the Endangered Species Act of 1973, Public Law 93-203 (87 Statute 884) as amended, Section 7, Western is requesting that your agency furnish us with an updated listing of proposed, candidate, and listed threatened and endangered species that may occur in the area of the proposed action. The information received will be utilized in Western's environmental evaluation currently being conducted for the project.

If you have questions or need additional information, please telephone Rodney Jones at (970) 461-7371.

Sincerely,

Joel K. Bladow
Regional Manager

2 Enclosures

bcc:
Ms. Christine Keller
View Point West
P.O. Box 1152
Montrose, CO 81401
(w/copy of enclosures)

J. Bridges, A7400, Lakewood, CO
S. Starcevich, A7500, Lakewood, CO
J0400
J0420
J5000
J5640
J5641
(w/copy of enclosures)

Enclosure 1

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

In Reply Refer To:
ES-61411/BFF-WY7746

February 2, 2004

Dear Interested Party:

This letter is to inform you that black-footed ferret (*Mustela nigripes*) surveys are no longer necessary in black-tailed prairie dog colonies statewide or in white-tailed prairie dog towns except those noted in the attachment. In response to requests from numerous entities and our own review of the situation regarding ferret surveys, the U.S. Fish and Wildlife Service (Service) and others have been evaluating the potential for a previously unidentified black-footed ferret population to occur in Wyoming and the need for conducting black-footed ferret surveys across the entire state. This issue has been especially pertinent when evaluating various activities for compliance with the Endangered Species Act of 1973 (Act), as amended (16 USC 1531 *et seq*).

The black-footed ferret was listed as an endangered species in 1967, prior to the Act (under the Endangered Species Preservation Act of 1966). The Act prohibits the take of listed species without proper permits and places an additional requirement on activities funded, authorized or carried out by Federal agencies to ensure that such actions will not jeopardize the continued existence of any listed species. The latter process is known as interagency consultation and is outlined in section 7(a)(2) of the Act (50 C.F.R. § 402.13) .

The Service developed the 1989 *Black-footed Ferret Survey Guidelines for Compliance with the Endangered Species Act* (Survey Guidelines) to assist with section 7 consultations for ferrets. The Survey Guidelines provide a mechanism to evaluate the possibility of locating existing ferrets in prairie dog colonies by examination of the size, density, and juxtaposition of existing prairie dog colonies. The key points of the strategy are to determine the existence of ferrets or an area's potential for ferret recovery and either may be used in section 7 consultations when determining whether an action may affect the black-footed ferret. The Survey Guidelines can be followed by interested parties (federal agencies and their partners) during the section 7 consultation process to make determinations on whether an activity may adversely affect ferrets. However, an unintended drawback to the Survey Guidelines is that repetitive surveys may be undertaken to evaluate possible impacts to ferrets on prairie dog colonies that have already been searched or that didn't present any realistic opportunities for ferret reintroduction.

The Service has been coordinating with the Wyoming Game and Fish Department in reviewing information about the current and historic status of prairie dog towns throughout Wyoming. In addition to the status review, we have also been reviewing the history of black-footed ferret surveys to determine whether the survey guidelines should continue to be applied across the entire state. Through this process, the Service has developed an initial list of blocks of habitat that are not likely to be inhabited by black-footed ferrets. In these areas, take of individual ferrets and effects to a wild population are not an issue and surveys for ferrets are no longer recommended. The term "block clearance" has often been used to describe this type of approach. This initial list is based largely on the quality of the habitat today, as well as information regarding past population bottlenecks that may have resulted from plague and poisoning events in particular areas and may have led to the loss of ferrets in the area.

Additional information regarding the survey effort on the specific areas not yet block-cleared is currently being reviewed by the Service. Based on this review, the Service will likely add several blocks of habitat to the list in the future. The Service will continue to collect and review information on any remaining areas to determine if they should be added to the list of areas cleared from the survey recommendation. Therefore, prior to conducting surveys, you should coordinate with the Service to determine which specific areas are recommended for surveys. We have attached our initial list of areas cleared from the ferret survey recommendation. We believe this approach is not only biologically defensible, but also allows all parties involved to focus survey effort and resources on those areas where the likelihood of discovering wild ferrets is greatest.

Please note that "block clearance" must not be interpreted to mean that the area is free of all value to black-footed ferrets. These areas, or blocks, are merely being cleared from the need for ferret surveys. Therefore, this clearance from the survey recommendations reflects only the negligible likelihood of a wild population of ferrets occurring in an area. It does not provide insight into an area's value for survival and recovery of the species through future reintroduction efforts. Nor does this clearance relieve a Federal agency of its responsibility to evaluate the effects of its actions on the survival and recovery of the species. For example, while an action proposed in a cleared area needs no survey and is not likely to result in take of individuals, the action could have an adverse effect upon the value of a prairie dog town as a future reintroduction site and should be evaluated to determine the significance of that effect. Consultation with the Service is appropriate for any agency action resulting in an effect significant enough to diminish a site's value as a future reintroduction site. Additionally, block clearance of an area does not imply that other values of maintaining the integrity of the prairie dog ecosystem are unimportant.

We appreciate your efforts to conserve listed species. Without the valuable information collected to date in association with black-footed ferret surveys, we would not be able to undertake this effort to focus ferret surveys on the most promising habitat.

If you have any questions regarding this letter or your responsibilities under the Act, please contact Mary Jennings of my staff at the letterhead address or phone (307) 772-2374, extension 32.

Sincerely,

/s/ Brian T. Kelly

Brian T. Kelly
Field Supervisor
Wyoming Field Office

Enclosure (1)

cc: WGFD, Non-Game Coordinator, Lander, WY (B. Oakleaf)
FWS, BFF Recovery Coordinator, Laramie, WY (M. Lockhart)

Enclosure 2

Black-footed Ferret Survey Block Clearance List

February 1, 2004

The following blocks of black-footed ferret habitat are cleared from the recommendation for ferret surveys:

1. All black-tailed prairie dog towns in Wyoming

2. All white-tailed prairie dog towns in Wyoming **EXCEPT** those identified in the following table.

Complex Name	Townships	Ranges	Complex Name	Townships	Ranges
Baxter Basin	T18, T19, T20	R103, R104	Fifteen Mile	T47-T49 T48	R97, R98 R96 (west half)
Big Piney	T 28 T29, T30, T31	R111, R112 R109-R111	Flaming Gorge	T12, T13 T12-T14 T13	R109 R108 R107
Bolton Ranch	T17 T18, T19	R86, R88 R86-R88	Manderson	T47, T48 T49	R90, R91 R91
Carter	T16, T17 T18	R114-R116 R115	Moxa	T15, T16 T17, T18 T19, T20 T21 T22, T23 T24	R112, R113 R111-R113 R111-R114 R110-R113 R111-R113 R112
Continental Divide	T16 T17 T18 T19 T20	R93-95 R92-95, 98-100, 97-98 R92-96, 98-99 R92-96 R92-95	Pathfinder	T27 T28 T29	R85, R86 R85-R89 R85, R89
Cumberland	T16 T17-T19 T19, T20	R118 R117 R116	Saratoga	T14 T15 T16	R82, R83 R82-R84 R83-R85
Dad	T15, T16 T17	R90-R93 R92, R93	Seminoe	T23, T24	R84, R85
Desolation Flats	T13 T14 T15 T16	R93-95 R93-94 R93-94, 96 R93-96	Shamrock Hills	T22, T23 T24, T25 T26	R89, R90 R89 R89, R90

WYOMING
GAME AND FISH DEPARTMENT

Jim Geringer, Governor — Dr. Tom Thorne, Acting Director

"Conserving Wildlife - Serving People"

FILE COPY

January 7, 2003

WER 9572
Department of Energy
Western Area Power Administration
Rocky Mountain Region
Scoping Statement
Rebuild the Cheyenne-Miracle Mile 115-kV
Transmission Line
State Identifier Number: 1989-092a
Albany, Carbon and Laramie Counties

Julie Kozlowski, Assistant Director
Office of Federal Land Policy
Herschler Building, 1W
122 W. 25th Street
Cheyenne, WY 82002

Dear Ms. Kozlowski:

These comments regarding the scoping statement to rebuild the Cheyenne-Miracle Mile 115-kV Transmission Line have been approved by the Director and are specific to this agency's statutory mission within State government which is "Conserving Wildlife, Serving People". In that regard, these comments are meant to, in association with all other agency comments, assist in defining the Official State Position. These comments defer to and are subordinate to the Official State Position.

Terrestrial Considerations:

The project crosses crucial winter/yearlong habitat for deer, antelope, and elk. The information provided to us did not contain time frames for construction activities. If construction is planned for the winter period (November 15-April 30), we would prefer that activity avoid crucial winter ranges for the big game species. This would minimize displacement of animals from their preferred habitat during the winter period when animals are most stressed. If winter construction is planned, we can provide specific crucial winter range locations to avoid.

The power line route is located in potential raptor nesting habitat. Though we do not have specific data for the route, some active nests are likely close enough (generally within ½

Headquarters: 5400 Bishop Boulevard, Cheyenne, WY 82006-0001
Fax: (307) 777-4610 Web Site: http://gf.state.wy.us

mile of the route) so that construction activities could be detrimental to nesting success. We encourage a raptor survey of the route, and at least a ½ mile buffer along either side of the route, prior to construction activities so that nests can be avoided at critical times during the nesting season and nest abandonments can be avoided.

Likewise, the power line route passes through sage grouse habitat in the Laramie Plains. The sage grouse has been petitioned as an endangered species. If construction is planned for the period March 1-May 15, a pre-construction survey should be done along the route in the Laramie Plains, plus ¼ mile on either side of the route, to identify any lek sites that might be present. If located, activity within ¼ mile of the leks should be avoided before 9AM during the March 1-May 15 period to minimize disturbance to the strutting birds.

Disturbance to wetlands should be minimized or avoided, due to their relative scarcity in the project landscape and because of their rich biological value. Power lines adjacent to perennial water sources should be marked to make them more visible to birds that make disproportionately higher use of the aquatic habitat, in an effort to avoid bird mortalities.

Powerline structures should be designed to minimize raptor electrocutions. The structures should also be designed to eliminate raptor perching when located within ½ mile of known sage grouse leks, to avoid increased impacts on the grouse.

The U.S. Fish and Wildlife Service office in Cheyenne should be notified for further input on raptors and other federal interest species.

Aquatic Considerations:

The Department is concerned with the potential loss of aquatic habitat from construction or reconstruction of roads that will cross streams throughout the project area. To avoid impacts associated with these stream crossings, we recommend the following best management practices.

- Disturbed banks should be stabilized with angular rock riprap with an average size of at least 12 inches in one dimension and a minimum size of 6 inches. Hard, durable rock such as granite should be used if possible. The rock should be from a non-streambed source.

- Any riparian canopy or bank stabilizing vegetation removed as result of construction activities should be reintroduced and protected from grazing until the new growth is well established.

- Instream construction activities should be minimized to the greatest extent possible to minimize sedimentation and channel instability impacts to fish habitat.

- Unless otherwise specified, instream construction should take place only during low water periods.

These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.

- New road construction, or reconstruction, should be completed such that in-channel work/disturbance is kept to a minimum and structures such as box culverts, bottomless culverts, etc., are used to pass water under the road crossing.

- All road crossings should maintain natural channel geometry (i.e. do not narrow, straighten, or shorten stream channels).

- Provide for floodplain drainage (i.e. do not oversize culverts to pass flows that access the floodplain; rather, place culverts so that floodplains are drained).

- Do not create fish passage barriers.

In addition to the above comments, the Department recommends that all unnecessary roads, following construction, should be obliterated, restored to original contour and re-seeded, to prevent future soil erosion, sediment loading to streams and increased drainage density within watersheds.

The 1:24K maps do not show the line passing through East Allen Lake, but observations over the years indicate that the lake typically inundates the exiting transmission poles. If the new transmission line follows the existing right-of-way through East Allen Lake, then the Department recommends that any fill associated with the new towers should be mitigated by a like amount of dredging. An alternative to the dredging would be to install bank riprap, or breakwaters, or some other structure on the east edge of the lake where wave action continues to cause serious bank erosion that results in enlarging the lake surface area and decreasing the mean depth, thus increasing the risk of a winterkill.

Finally, erosion control will be especially important on the road (green line) that is shown along the hydrographic divide of the North Platte/Laramie and South Platte rivers, at the crest of the Laramie Range (R72W T15N S14 to R72W T16N S28). These soils are very thin and highly erodible. Likewise, on the long, straight road(s) on the east flank of the Laramie Range (R72W T16N S26 to R69W T16N S20 and to R69W T16N S30) erosion control structures (waterbars, reclamation, etc.) will be necessary to minimize erosion of the road surface and barrow ditches, and movement of sediment into stream channels.

Sincerely,

Bill Wichers

BILL WICHERS
DEPUTY DIRECTOR

BW:TC:as

These comments are reflective of a specific agency mission only. These comments defer to and are subordinate to the Official State Position.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

ES-61411
ke/W.35/WY6404

November 6, 2002

Mr. Joel Bladow, Regional Manager
Department of Energy
Western Area Power Administration
Rocky Mountain Customer Service Region
P.O. Box 3700
Loveland,CO 80539-3003

Dear Mr. Bladow:

Thank you for your letter of October 3, 2002, requesting a species list for the proposed Cheyenne-Miracle Mile Transmission Line rebuild project located in Laramie, Albany, and Carbon Counties, Wyoming. In accordance with section 7(c) of the Endangered Species Act of 1973, as amended (Act), we are providing you with a list of threatened, endangered, and proposed species that may occur in the project area. Please refer to the attached species lists specific to each county as described in your letter.

Consultation

Section 7(c) of the Act requires that a biological assessment be prepared for any Federal action that is a major construction activity to determine the effects of the proposed action on listed and proposed species. If a biological assessment is not required (i.e., all other actions), the lead Federal agency is responsible for review of proposed activities to determine whether listed species will be affected. The U.S. Fish and Wildlife Service (Service) would appreciate the opportunity to review any such determination document. If it is determined that the proposed activities may affect a listed species, you should contact this office to discuss consultation requirements. If it is determined that any Federal agency program or project "is likely to adversely affect" any listed species, formal consultation should be initiated with this office. Alternatively, informal consultation can be continued so we can work together to determine how the project could be modified to reduce impacts to listed species to the "not likely to adversely affect" threshold. If it is concluded that the project "is not likely to adversely affect" listed species, we should be asked to review the assessment and concur with the determination of not likely to adversely affect.

For those actions where a biological assessment is necessary, it should be completed within 180 days of receipt of a species list, but can be extended by mutual agreement between the lead agency and the Service. If the assessment is not initiated within 90 days of receipt of a species list, the list of threatened and endangered species should be verified with me prior to initiation of the assessment. The biological assessment may be undertaken as part of the agency's compliance of section 102 of the National Environmental Policy Act (NEPA), and incorporated into the NEPA documents. The Service recommends that biological assessments include:

1. a description of the project;
2. a description of the specific area potentially affected by the action;
3. the current status, habitat use, and behavior of threatened and endangered species in the project area;
4. discussion of the methods used to determine the information in item 3;
5. direct and indirect impacts of the project to threatened and endangered species, including impacts of interrelated and interdependent actions;
6. an analysis of the effects of the action on listed and proposed species and their habitats including cumulative impacts from Federal, State, or private projects in the area;
7. measures that will reduce or eliminate adverse impacts to threatened and endangered species;
8. the expected status of threatened and endangered species in the future (short and long term) during and after project completion;
9. determination of "is likely to adversely affect" or "is not likely to adversely affect" for listed species;
10. determination of "is likely to jeopardize" or "is not likely to jeopardize" for proposed species;
11. Alternatives to the proposed action considered, a summary of how impacts of those alternatives on listed and proposed species would differ from the proposed action, and the reasons for not selecting those alternatives.
12. citation of literature and personal contacts used in the assessment.

A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare biological assessments. However, the ultimate responsibility for section 7 compliance remains with the Federal agency, and written notice should be provided to the Service upon such a designation. We recommend that Federal agencies provide their non-Federal representatives with proper guidance and oversight during preparation of biological assessments and evaluation of potential impacts to listed species.

Section 7(d) of the Act requires that the Federal agency and permit or license applicant shall not make any irreversible or irretrievable commitment of resources which would preclude the formulation of reasonable and prudent alternatives until consultation on listed species is completed.

Regarding species proposed for listing, Federal agencies must determine whether any of their proposed activities are likely to jeopardize the continued existence of the species. If jeopardy is likely, that agency must confer with the Service.

We will work with the lead Federal agency in the section 7 consultation process. The analysis of project impacts must assess direct impacts of the project, as well as those impacts that are interrelated to or interdependent with the proposed action. Impacts to listed species on non-Federal lands must be evaluated along with such impacts on Federal lands. Any measures that are ultimately required to avoid or reduce impacts to listed species will apply to Federal as well as non-Federal lands.

Candidate Species

The black-tailed prairie dog (*Cynomys ludovicianus*), a candidate species for listing as threatened or endangered, may occur within the project area. Many Federal agencies have policies to protect candidate species from further population declines. We would appreciate receiving any information available on the status of this species in or near the project area. In addition, if the black-tailed prairie dog is listed prior to the completion of your project, unnecessary delays may be avoided by considering project impacts to this species now. Should this species be proposed for listing, the lead Federal agency would be required to confer with this office if that agency determines their action (e.g. approval of the project) is likely to jeopardize the continued existence of either species.

Migratory Birds

Please recognize that consultation on listed species may not remove your obligation to protect the many species of birds, raptors, and eagles protected under the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA). The MBTA, 16 U.S.C. 703, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs except as permitted by regulations and does not require intent to be proven. Section 703 of the Act states, "Unless and except as permitted by regulations ... it shall be unlawful at any time, by any means or in any manner, to ... take, capture, kill, attempt to take, capture, or kill, or possess ... any migratory bird, any part, nest, or eggs of any such bird..." The BGEPA, 16 U.S.C. 668, prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing.

Work that could lead to the take of a migratory bird or eagle, their young, eggs, or nests (for example, construction within the vicinity of a nest), should be coordinated with our office before any actions are taken. Removal or destruction of such nests, or causing abandonment of a nest could constitute violation of the above statutes. Please be advised there has been a change in the criteria used to determine whether or not a "take" permit can be issued under the Migratory Bird Treaty Act. You will need to contact the Migratory Bird Office in our Denver regional office for more information regarding these permitting changes (303-236-8171). Timing is a significant consideration and you need to allow for this in your project planning. We also recommend the project area be surveyed for raptor nests and roost areas.

To minimize effects on nesting raptors and the possibility of "take" under the Migratory Bird Treaty Act, protective/mitigation measures may be necessary. Any analysis of the project should address potential adverse impacts including habitat loss or degradation, nest abandonment, and electrocution/collision hazards to raptors and specifically outline all measures that will be

implemented to minimize adverse effects to these species. Your planning document should describe proposed protective measures including, but not limited to: possible timing restrictions for construction, establishment of buffer zones around raptor nests, and proper raptor-proofing of power lines to avoid electrocution and prevent perching.

Wetlands/Riparian Areas

The Service recommends measures be taken to avoid any wetland losses in accordance with Section 404 of the Clean Water Act, Executive Order 11990 (wetland protection) and Executive Order 11988 (floodplain management) as well as the goal of "no net loss of wetlands." If wetlands may be destroyed or degraded by the proposed action, those (wetlands) in the project area should be inventoried and fully described in terms of functions and values. Acreage of wetlands, by type, should be disclosed and specific actions outlined to minimize impacts and compensate for all unavoidable wetland impacts.

Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian areas are the single most productive wildlife habitat type in North America. They support a greater variety of wildlife than any other habitat. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining the water table, controlling flooding, and providing shade and cover. In view of their importance and relative scarcity, impacts to riparian areas should be avoided. For any drainages the pipeline crosses, we suggest drilling under the drainages to place pipeline to minimize impacts to the drainages. Any potential, unavoidable encroachment into these areas should be minimized and quantitatively assessed in terms of functions and values, areas and vegetation type lost, potential effects on wildlife, and streams (bank stability and water quality). Measures to compensate for unavoidable losses of riparian areas should be developed and implemented as part of the project.

Plans for mitigating unavoidable impacts to wetland and riparian areas should include mitigation goals and objectives, methodologies, time frames for implementation, success criteria, and monitoring to determine if the mitigation is successful. The mitigation plan should also include a contingency plan to be implemented should the mitigation not be successful.

Thank you for the opportunity to review the proposed work. Please keep this office informed of any developments or decisions concerning this project. If you have any questions please contact Kathleen Erwin of my staff at the letterhead address or phone (307) 772-2374, extension 28.

Sincerely,

Michael M. Long, Field Supervisor
Wyoming Field Office

Enclosures (3)

cc: Endangered Species Coordinator, State of Wyoming, Cheyenne, WY
Statewide Habitat Protection Coordinator, WGFD, Cheyenne, WY

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

THREATENED AND ENDANGERED SPECIES OF ALBANY COUNTY, WYOMING
Last Updated November 6, 2002

Status Key: E = Endangered, T= Threatened, P = Proposed for Listing, X = Experimental

SPECIES	STATUS	HABITAT
BALD EAGLE (*Haliaeetus leucocephalus*)	T	Found throughout state
BLACK-FOOTED FERRET (*Mustela nigripes*)	E	Prairie dog towns
CANADA LYNX (*Lynx canadensis*)	T	Montane forests
MOUNTAIN PLOVER (*Charadrius montanus*)	P	Grasslands
WYOMING TOAD (*Bufo baxteri*)	E	Wetlands in Laramie River Valley.
PREBLE'S MEADOW JUMPING MOUSE *(Zapus hudsonius preblei)*	T	Riparian habitats east of Laramie Mts. and south of the N. Platte River
UTE LADIES'-TRESSES (*Spiranthes diluvialis*)	T	Seasonally moist soils and wet meadows of drainages below 6500 feet elevation.

If the proposed action will lead to water depletion (consumption) in the Platte River System, impacts to threatened and endangered species inhabiting the downstream reaches of the Platte River in Nebraska should be included in the evaluation (Please read detailed information in the following page).

BALD EAGLE: While habitat loss still remains a threat to the bald eagle's full recovery, most experts agree that its recovery to date is encouraging. Bald eagles are believed to live 30 years or longer in the wild, and even longer in captivity. They mate for life and build huge nests in the tops of large trees near rivers, lakes, marshes, or other wetland areas. Nests are often re-used year after year. With additions to the nests made annually, some may reach 10 feet across and weigh as much as 2,000 pounds. Although bald eagles may range over great distances, they usually return to nest within 100 miles of where they were raised.

Bald eagles normally lay two to three eggs once a year and the eggs hatch after about 35 days. The young eagles are flying within 3 months and are on their own about a month later. However, disease, lack of food, bad weather, or human interference can kill many eaglets; sometimes only about half will survive their first year.

In order to reduce adverse effects to the bald eagle, a disturbance-free buffer zone of 1 mile should be maintained around eagle nests and winter roost sites. Activity within 1 mile of an eagle nest or roost may disturb the eagles and result in "take". If a disturbance-free buffer zone of 1 mile is not practicable, then the activity should be conducted outside of Feb 15 - Aug 15 to protect nesting birds and Nov 1 - April 15 to protect roosting birds.

The staple of most bald eagle diets is fish, but they will feed on almost anything they can catch, including ducks, rodents, snakes, and carrion. In winter, northern birds migrate south and gather in large numbers near open water areas where fish or other prey are plentiful.

BLACK-FOOTED FERRET: Black-footed ferrets may be affected if prairie dog colonies are impacted. **If black-tailed prairie dog (*Cynomys ludovicianus*) colonies or complexes greater than 79 acres or white-tailed prairie dog (*C. leucurus*) colonies or complexes greater than 200 acres will be disturbed, surveys for ferrets are recommended in order to determine if the action will result in an adverse affect to the species. Surveys are recommended even if only a portion of the colony or complex will be disturbed.** A white-tailed prairie dog town or complex consists of two or more neighboring prairie dog towns each less than 7 kilometers (4.34 miles) from each other (Black-footed Ferret Survey Guidelines, USFWS, 1989). If a field check indicates that prairie dog towns may be affected, you should contact this office for guidance on ferret surveys.

MOUNTAIN PLOVER: Mountain plover breeding and wintering habitats are known to include grasslands, mixed grassland areas and short-grass prairie, shrub-steppe, plains, alkali flats, agricultural lands, cultivated lands, sod farms, and prairie dog towns. Plovers may nest on sites where vegetation is sparse or absent, or near closely cropped areas, manure piles or rocky areas. Mountain plovers are rarely found near water and show a preference for previously disturbed areas or modified habitat. They may be found on heavily grazed pastures throughout their breeding range and may selectively nest in or near prairie dog towns.

The Service recommends surveys for mountain plovers in all suitable habitat as well as avoidance of nesting areas from April 10 through July 10, to minimize impacts to plovers in sites planned for development. If an active nest site is found in the survey area, the planned activity should be delayed 37 days or 7 days post hatching. If a brood of flightless chicks is observed, activities should be delayed at least 7 days (Mountain Plover Survey Guidelines, USFWS, March 2002). Prohibition of ground disturbance in occupied habitat during the breeding season will ensure protection of nests and flightless broods. While the Service believes that plover surveys, avoidance of nesting and brood rearing areas, and timing restrictions (avoidance of important areas during nesting) will lessen the chance of direct impacts to and mortality of individual mountain plovers in the area, these restrictions do nothing to mitigate indirect effects, including changes in habitat suitability and habitat loss. Surveys are, however, a necessary starting point

PREBLE'S MEADOW JUMPING MOUSE: The Preble's meadow jumping mouse is a small rodent in the family Zapodidae and is 1 of 12 recognized subspecies of the species *Z. hudsonius*, the meadow jumping mouse. The diet of the Preble's meadow jumping mouse consists of seeds, fruits, fungi and insects. Hibernation occurs from October to May in small underground burrows it excavates. Nests are made of grass, leaves or woody material excavated several centimeters below ground level. Preble's are primarily nocturnal or crepuscular, but have been observed during daylight. The Preble's meadow jumping mouse occurs in low undergrowth consisting of grasses, forbs, or a mix of both, in wet meadows and riparian corridors, or where tall shrubs and low trees provide adequate cover. Additionally, Preble's exhibits a preference for lush vegetation along watercourses or herbaceous understories in wooded areas with close proximity to water. In Wyoming, Preble's meadow jumping mouse has been recently documented in four counties, Albany, Laramie, Platte and Converse and may occur in Goshen county. **If the proposed project will result in a disturbance to suitable habitat within the species current or historic range, surveys should be conducted prior to any action.** Due to the difficulty in identifying the Preble's meadow jumping mouse, surveys should be conducted by knowledgeable biologists trained in conducting Preble's surveys.

UTE LADIES'-TRESSES: Ute ladies'-tresses is a perennial, terrestrial orchid with stems 2 to 5 dm tall, narrow leaves, and flowers consisting of few to many small white or ivory flowers clustered into a spike arrangement at the top of the stem. It blooms from late July through August, however, depending on location and climatic conditions, orchids may bloom in early July or still be in flower as late as early October. The Ute ladies'-tresses is endemic to moist soils near wetland meadows, springs, lakes, and perennial streams. It occurs generally in alluvial substrates along riparian edges, gravel bars, old oxbows, and moist to wet meadows at elevations from 4,200 to 7,000 feet. The orchid colonizes early successional riparian habitats such as point bars, sand bars, and low lying gravelly, sandy, or cobbly edges, persisting in those areas where the hydrology provides continual dampness in the root zone through the growing season. Ute ladies'-tresses seems generally intolerant of shade and is found primarily in open grass and forb-dominated sites where vegetation is relatively open and not

dense or overgrown. The plants usually occur as small scattered groups. Surveys conducted at other times of the year area not reliable and are therefore not acceptable to the Service for purposes of clearance under section 7 of the ESA. Surveys should be conducted by knowledgeable botanists trained in conducting rare plant surveys. The Service does not maintain a list of "qualified" surveyors but can refer those wishing to become familiar with the orchid to experts who can provide training/services.

PLATTE RIVER WATER DEPLETIONS:

Water depletions to the Platte River system may affect the endangered whooping crane (*Grus americana*), endangered interior least tern (*Sterna antillarum*), threatened piping plover (*Charadrius melodus*), and endangered pallid sturgeon (*Scaphirhynchus albus*), the threatened bald eagle (*Haliaeetus leucocephalus*), the endangered Eskimo curlew (*Numenius borealis*) and threatened western prairie fringed orchid (*Platanthera praeclara*). Depletions include evaporative losses and/or consumptive use, often characterized as diversions from the Platte River or its tributaries less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), created or enhanced wetlands, pipelines, wells, diversion structures, and water treatment facilities. Any actions that may result in a water depletion to the Platte River system should be identified. The document should also include an estimate of the amount and timing (by month) of average annual water depletion (both existing and new depletions), and describe methods of arriving at such estimates.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

THREATENED AND ENDANGERED SPECIES OF CARBON COUNTY, WYOMING
Last Updated November 6, 2002

Status Key: E = Endangered, T= Threatened, P = Proposed for Listing, X = Experimental

SPECIES	STATUS	HABITAT
BALD EAGLE (*Haliaeetus leucocephalus*)	T	Found throughout state
BLACK-FOOTED FERRET (*Mustela nigripes*)	E	Prairie dog towns
CANADA LYNX (*Lynx canadensis*)	T	Montane forests
MOUNTAIN PLOVER (*Charadrius montanus*)	P	Grasslands
BLOWOUT PENSTEMON (*Penstemon haydenii*)	E	Sand dunes south of Ferris Mtns.
UTE LADIES'-TRESSES (*Spiranthes diluvialis*)	T	Seasonally moist soils and wet meadows of drainages below 6500 feet elevation.
COLORADO RIVER FISH SPECIES (see attached)	E	Downstream riverine habitat of the Yampa, Green and Colorado river systems.
PLATTE RIVER SPECIES	E	Downstream riverine habitat of the Platte River in Nebraska

If the proposed action will lead to water depletion (consumption) in the Colorado River System, impacts to threatened and endangered species inhabiting the downstream reaches of the basin should be included in the evaluation (Please read detailed information in the following page).

If the proposed action will lead to water depletion (consumption) in the Platte River System, impacts to threatened and endangered species inhabiting the downstream reaches of the Platte River in Nebraska should be included in the evaluation (Please read detailed information in the following page).

BALD EAGLE: While habitat loss still remains a threat to the bald eagle's full recovery, most experts agree that its recovery to date is encouraging. Bald eagles are believed to live 30 years or longer in the wild, and even longer in captivity. They mate for life and build huge nests in the tops of large trees near rivers, lakes, marshes, or other wetland areas. Nests are often re-used year after year. With additions to the nests made annually, some may reach 10 feet across and weigh as much as 2,000 pounds. Although bald eagles may range over great distances, they usually return to nest within 100 miles of where they were raised.

Bald eagles normally lay two to three eggs once a year and the eggs hatch after about 35 days. The young eagles are flying within 3 months and are on their own about a month later. However, disease, lack of food, bad weather, or human interference can kill many eaglets; sometimes only about half will survive their first year.

In order to reduce adverse effects to the bald eagle, a disturbance-free buffer zone of 1 mile should be maintained around eagle nests and winter roost sites. Activity within 1 mile of an eagle nest or roost may disturb the eagles and result in incidental "take". If a disturbance-free buffer zone of 1 mile is not practicable, then the activity should be conducted outside of Feb 15 - Aug 15 to protect nesting birds and Nov 1 - April 15 to protect roosting birds.

The staple of most bald eagle diets is fish, but they will feed on almost anything they can catch, including ducks, rodents, snakes, and carrion. In winter, northern birds migrate south and gather in large numbers near open water areas where fish or other prey are plentiful.

BLACK-FOOTED FERRETS: Black-footed ferrets may be affected if prairie dog colonies are impacted. **If black-tailed prairie dog (*Cynomys ludovicianus*) colonies or complexes greater than 79 acres or white-tailed prairie dog (*C. leucurus*) colonies or complexes greater than 200 acres will be disturbed, surveys for ferrets are recommended in order to determine if the action will result in an adverse affect to the species. Surveys are recommended even if only a portion of the colony or complex will be disturbed.** A white-tailed prairie dog town or complex consists of two or more neighboring prairie dog towns each less than 7 kilometers (4.34 miles) from each other (Black-footed Ferret Survey Guidelines, USFWS, 1989). If a field check indicates that prairie dog towns may be affected, you should contact this office for guidance on ferret surveys.

MOUNTAIN PLOVER: Mountain plover breeding and wintering habitats are known to include grasslands, mixed grassland areas and short-grass prairie, shrub-steppe, plains, alkali flats, agricultural lands, cultivated lands, sod farms, and prairie dog towns. Plovers may nest on sites where vegetation is sparse or absent, or near closely cropped areas, manure piles or rocky areas. Mountain plovers are rarely found near water and show a preference for previously disturbed areas or modified habitat. They may be found on heavily grazed pastures throughout their breeding range and may selectively nest in or near prairie dog towns.

The Service recommends surveys for mountain plovers in all suitable habitat as well as avoidance of nesting areas from April 10 through July 10, to minimize impacts to plovers in sites planned for development. If an active nest site is found in the survey area, the planned activity should be delayed 37 days or 7 days post hatching. If a brood of flightless chicks is observed, activities should be delayed at least 7 days (Mountain Plover Survey Guidelines, USFWS, March 2002). Prohibition of ground disturbance in occupied habitat during the breeding season will ensure protection of nests and flightless broods. While the Service believes that plover surveys, avoidance of nesting and brood rearing areas, and timing restrictions (avoidance of important areas during nesting) will lessen the chance of direct impacts to and mortality of individual mountain plovers in the area, these restrictions do nothing to mitigate indirect effects, including changes in habitat suitability and habitat loss. Surveys are, however, a necessary starting point.

COLORADO RIVER WATER DEPLETIONS: Where projects may lead to depletions of water to the Colorado river system, formal consultation is required. Federal agency actions resulting in water depletions to the Colorado River system may affect the endangered Bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), Humpback chub (*Gila cypha*), and Razorback sucker (*Xyrauchen texanus*) downstream in the Green and Colorado river systems.

In general, depletions include evaporative losses and/or consumptive use of surface or groundwater within the affected basin, often characterized as diversions less return flows. Project elements that could be associated with depletions include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), pipelines, wells, diversion structures, and water treatment facilities. Any actions that may result in a water depletion should be identified. The document should also include an estimate of the amount and timing (by month) of average annual water depletion (both existing and new depletions), and describe methods of arriving at such estimates.

PLATTE RIVER WATER DEPLETIONS: Water depletions to the Platte River system may affect the endangered whooping crane (*Grus americana*), endangered interior least tern (*Sterna antillarum*), threatened piping plover (*Charadrius melodus*), and endangered pallid sturgeon (*Scaphirhynchus albus*), the threatened bald eagle (*Haliaeetus leucocephalus*), the endangered Eskimo curlew (*Numenius borealis*) and threatened western prairie fringed orchid (*Platanthera praeclara*). Depletions include evaporative losses and/or consumptive use, often characterized as diversions from the Platte River or its tributaries less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), created or enhanced wetlands, pipelines, wells, diversion structures, and water treatment facilities. Any actions that may result in a water depletion to the Platte River system should be identified. The document should also include an estimate of

the amount and timing (by month) of average annual water depletion (both existing and new depletions), and describe methods of arriving at such estimates.

UTE LADIES'-TRESSES: Ute ladies'-tresses is a perennial, terrestrial orchid with stems 2 to 5 dm tall, narrow leaves, and flowers consisting of few to many small white or ivory flowers clustered into a spike arrangement at the top of the stem. It blooms from late July through August, however, depending on location and climatic conditions, orchids may bloom in early July or still be in flower as late as early October. The Ute ladies'-tresses is endemic to moist soils near wetland meadows, springs, lakes, and perennial streams. It occurs generally in alluvial substrates along riparian edges, gravel bars, old oxbows, and moist to wet meadows at elevations from 4,200 to 7,000 feet. The orchid colonizes early successional riparian habitats such as point bars, sand bars, and low lying gravelly, sandy, or cobbly edges, persisting in those areas where the hydrology provides continual dampness in the root zone through the growing season. Ute ladies'-tresses seems generally intolerant of shade and is found primarily in open grass and forb-dominated sites where vegetation is relatively open and not dense or overgrown. The plants usually occur as small scattered groups. Surveys conducted at other times of the year area not reliable and are therefore not acceptable to the Service for purposes of clearance under section 7 of the ESA. Surveys should be conducted by knowledgeable botanists trained in conducting rare plant surveys. The Service does not maintain a list of "qualified" surveyors but can refer those wishing to become familiar with the orchid to experts who can provide training/services.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
4000 Airport Parkway
Cheyenne, Wyoming 82001

THREATENED AND ENDANGERED SPECIES OF LARAMIE COUNTY, WYOMING
Last Updated November 6, 2002

Status Key: E = Endangered, T= Threatened, P = Proposed for Listing, X = Experimental

SPECIES	STATUS	HABITAT
BALD EAGLE (*Haliaeetus leucocephalus*)	T	Found throughout state
BLACK-FOOTED FERRET (*Mustela nigripes*)	E	Prairie dog towns
MOUNTAIN PLOVER (*Charadrius montanus*)	P	Grasslands
PREBLE'S MEADOW JUMPING MOUSE *(Zapus hudsonius preblei)*	T	Riparian habitats east of Laramie Mts. and south of the N. Platte River
UTE LADIES'-TRESSES (*Spiranthes diluvialis*)	T	Seasonally moist soils and wet meadows of drainages below 6500 feet elevation.
COLORADO BUTTERFLY PLANT (*Gaura neomexicana* ssp. *coloradensis*)	T	Wet meadows in floodplains

If the proposed action will lead to water depletion (consumption) in the Platte River System, impacts to threatened and endangered species inhabiting the downstream reaches of the Platte River in Nebraska should be included in the evaluation (Please read detailed information in the following page).

BALD EAGLE: While habitat loss still remains a threat to the bald eagle's full recovery, most experts agree that its recovery to date is encouraging. Bald eagles are believed to live 30 years or longer in the wild, and even longer in captivity. They mate for life and build huge nests in the tops of large trees near rivers, lakes, marshes, or other wetland areas. Nests are often re-used year after year. With additions to the nests made annually, some may reach 10 feet across and weigh as much as 2,000 pounds. Although bald eagles may range over great distances, they usually return to nest within 100 miles of where they were raised.

Bald eagles normally lay two to three eggs once a year and the eggs hatch after about 35 days. The young eagles are flying within 3 months and are on their own about a month later. However, disease, lack of food, bad weather, or human interference can kill many eaglets; sometimes only about half will survive their first year.

In order to reduce adverse effects to the bald eagle, a disturbance-free buffer zone of 1 mile should be maintained around eagle nests and winter roost sites. Activity within 1 mile of an eagle nest or roost may disturb the eagles and result in incidental "take". If a disturbance-free buffer zone of 1 mile is not practicable, then the activity should be conducted outside of Feb 15 - Aug 15 to protect nesting birds and Nov 1 - April 15 to protect roosting birds.

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MOUNTAIN PLOVER: Mountain plover breeding and wintering habitats are known to include grasslands, mixed grassland areas and short-grass prairie, shrub-steppe, plains, alkali flats, agricultural lands, cultivated lands, sod farms, and prairie dog towns. Plovers may nest on sites where vegetation is sparse or absent, or near closely cropped areas, manure piles or rocky areas. Mountain plovers are rarely found near water and show a preference for previously disturbed areas or modified habitat. They may be found on heavily grazed pastures throughout their breeding range and may selectively nest in or near prairie dog towns.

The Service recommends surveys for mountain plovers in all suitable habitat as well as avoidance of nesting areas from April 10 through July 10, to minimize impacts to plovers in a site planned for development. If an active nest site is found in the survey area, the planned activity should be delayed 37 days or 7 days post hatching. If a brood of flightless chicks is observed, activities should be delayed at least 7 days (Mountain Plover Survey Guidelines, USFWS, March 2002). Prohibition of ground disturbance in occupied habitat during the breeding season will ensure protection of nests and flightless broods. While the Service believes that plover surveys, avoidance of nesting and brood rearing areas, and timing restrictions (avoidance of important areas during nesting) will lessen the chance of direct impacts to and mortality of individual mountain plovers in the area, these restrictions do nothing to mitigate indirect effects, including changes in habitat suitability and habitat loss. Surveys are, however, a necessary starting point.

PREBLE'S MEADOW JUMPING MOUSE: The Preble's meadow jumping mouse is a small rodent in the family Zapodidae and is 1 of 12 recognized subspecies of the species *Z. hudsonius*, the meadow jumping mouse. The diet of the Preble's meadow jumping mouse consists of seeds, fruits, fungi and insects. Hibernation occurs from October to May in small underground burrows it excavates. Nests are made of grass, leaves or woody material excavated several centimeters below ground level. Preble's are primarily nocturnal or crepuscular, but have been observed during daylight. The Preble's meadow jumping mouse occurs in low undergrowth consisting of grasses, forbs, or a mix of both, in wet meadows and riparian corridors, or where tall shrubs and low trees provide adequate cover. Additionally, Preble's exhibits a preference for lush vegetation along watercourses or herbaceous understories in wooded areas with close proximity to water. In Wyoming, Preble's meadow jumping mouse has been recently documented in four counties, Albany, Laramie, Platte and Converse and may occur in Goshen county. **If the proposed project will result in a disturbance to suitable habitat within the species current or historic range, surveys are recommended prior to any action in order to determine if the action will result in an adverse affect to the species.** Due to the difficulty in identifying the Preble's meadow jumping mouse, surveys should be conducted by knowledgeable biologists trained in conducting Preble's surveys.

UTE LADIES'-TRESSES: Ute ladies'-tresses is a perennial, terrestrial orchid with stems 2 to 5 dm tall, narrow leaves, and flowers consisting of few to many small white or ivory flowers clustered into a spike arrangement at the top of the stem. It blooms from late July through August, however, depending on location and climatic conditions, orchids may bloom in early July or still be in flower as late as early October. The Ute ladies'-tresses is endemic to moist soils near wetland meadows, springs, lakes, and perennial streams. It occurs generally in alluvial substrates along riparian edges, gravel bars, old oxbows, and moist to wet meadows at elevations from 4,200 to 7,000 feet. The orchid colonizes early successional riparian habitats such as point bars, sand bars, and low lying gravelly, sandy, or cobbly edges, persisting in those areas where the hydrology provides continual dampness in the root zone through the growing season. Ute ladies'-tresses seems generally intolerant of shade and is found primarily in open grass and forb-dominated sites where vegetation is relatively open and not

dense or overgrown. The plants usually occur as small scattered groups. Surveys conducted at other times of the year area not reliable and are therefore not acceptable to the Service for purposes of clearance under section 7 of the ESA. Surveys should be conducted by knowledgeable botanists trained in conducting rare plant surveys. The Service does not maintain a list of "qualified" surveyors but can refer those wishing to become familiar with the orchid to experts who can provide training/services.

NORTH PLATTE RIVER WATER DEPLETIONS: Water depletions to the Platte River system may affect the endangered whooping crane (*Grus americana*), endangered interior least tern (*Sterna antillarum*), threatened piping plover (*Charadrius melodus*), and endangered pallid sturgeon (*Scaphirhynchus albus*), the threatened bald eagle (*Haliaeetus leucocephalus*), the endangered Eskimo curlew (*Numenius borealis*) and threatened western prairie fringed orchid (*Platanthera praeclara*). Depletions include evaporative losses and/or consumptive use, often characterized as diversions from the Platte River or its tributaries less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), created or enhanced wetlands, pipelines, wells, diversion structures, and water treatment facilities. Any actions that may result in a water depletion to the Platte River system should be identified. The document should also include an estimate of the amount and timing (by month) of average annual water depletion (both existing and new depletions), and describe methods of arriving at such estimates.

COLORADO BUTTERFLY PLANT: The Colorado butterfly plant is proposed for listing as a threatened species. If listed, surveys will be required prior to any action that will adversely affect suitable habitat. Unnecessary delays may be avoided by considering project impacts to this species now. If a field check indicates that suitable habitat for Colorado butterfly plant habitat may be affected, you should contact this office for guidance on surveys. The Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*) is a short-lived, perennial herb endemic to moist soils in mesic or wet meadows of floodplain areas in southeastern Wyoming, northcentral Colorado, and extreme western Nebraska between elevations of 5,000 and 6,400 feet. This early to mid-seral stage species occurs primarily in habitats created and maintained by streams active within their floodplains with vegetation that is relatively open and not overly dense or overgrown. The conversion of areas with native grasses in riparian areas to agriculture, water diversions, channelization, and urban development threaten this plant by changing habitat significantly enough to preclude survival of viable populations.

TRANSACTION REPORT

NOV-15-2002 FRI 12:21 PM

FOR: WESTERN AREA POWER 9704617213

DATE START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
NOV-15 12:18 PM	917209627263	2'38"	16	SEND	OK	625	

OCT 0 3 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Charles P. Davis
Wyoming State Supervisor
U.S. Fish and Wildlife Service
4000 Airport Parkway
Cheyenne, WY 82001-1599

SUBJECT: Request for list of Endangered, Threatened or Sensitive Species or Critical Habitats for the Cheyenne-Miracle Mile Transmission Line Rebuild Project

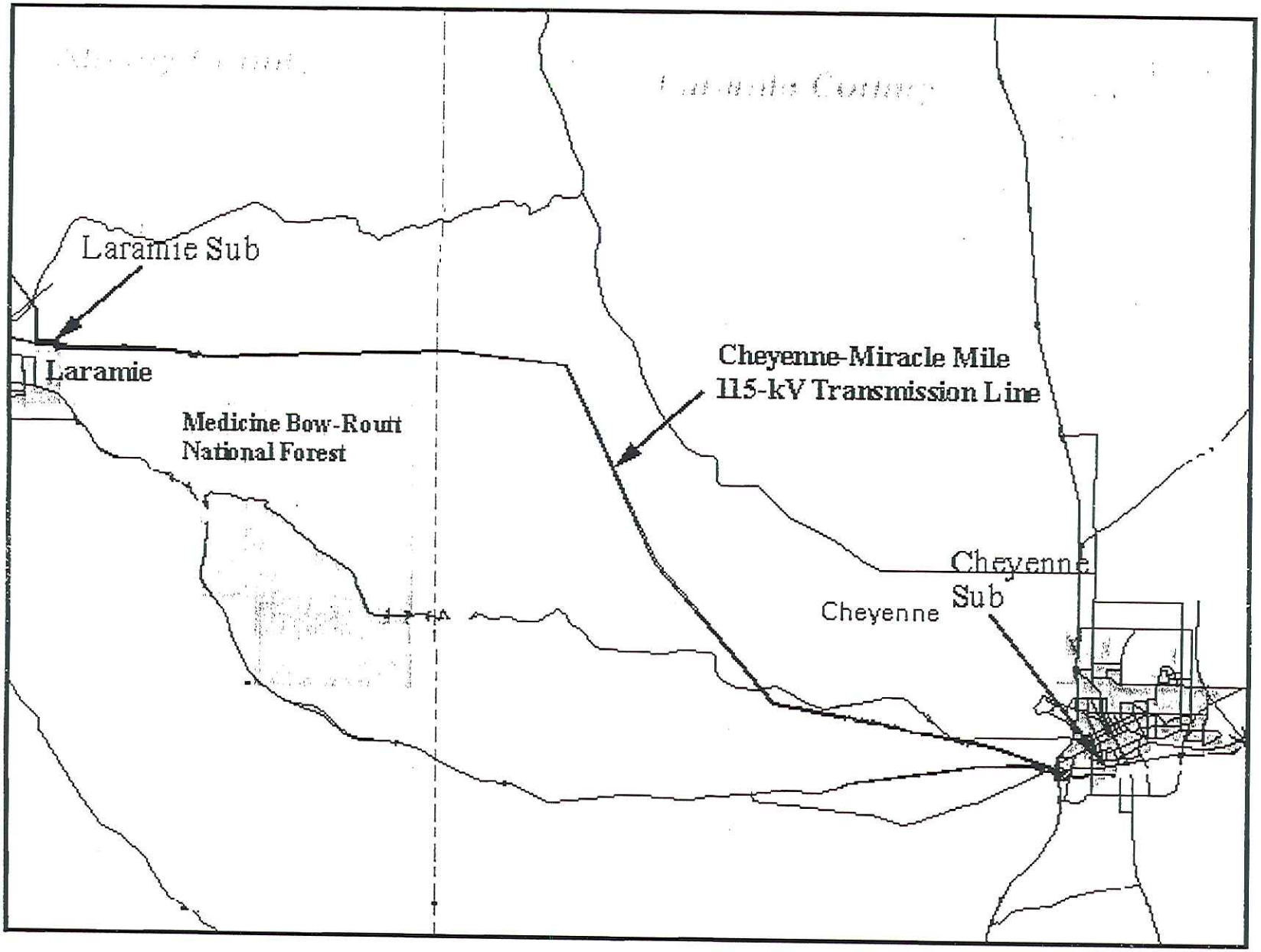
Dear Mr. Davis:

Western Area Power Administration, Rocky Mountain Region (Western) is proposing to rebuild the Cheyenne-Miracle Mile 115-kV transmission line, between Cheyenne, Wyoming and Seminoe, Wyoming (Maps enclosed). The transmission line is located in Laramie, Albany and Carbon counties, Wyoming. Most of this line (139.69 miles) was constructed as part of the Seminoe-Cheyenne transmission line in 1939; the remaining 6.60 miles were constructed by Western and placed into service in February 1992. The Seminoe-Cheyenne segment of the line was constructed with wood pole H-frame structures.

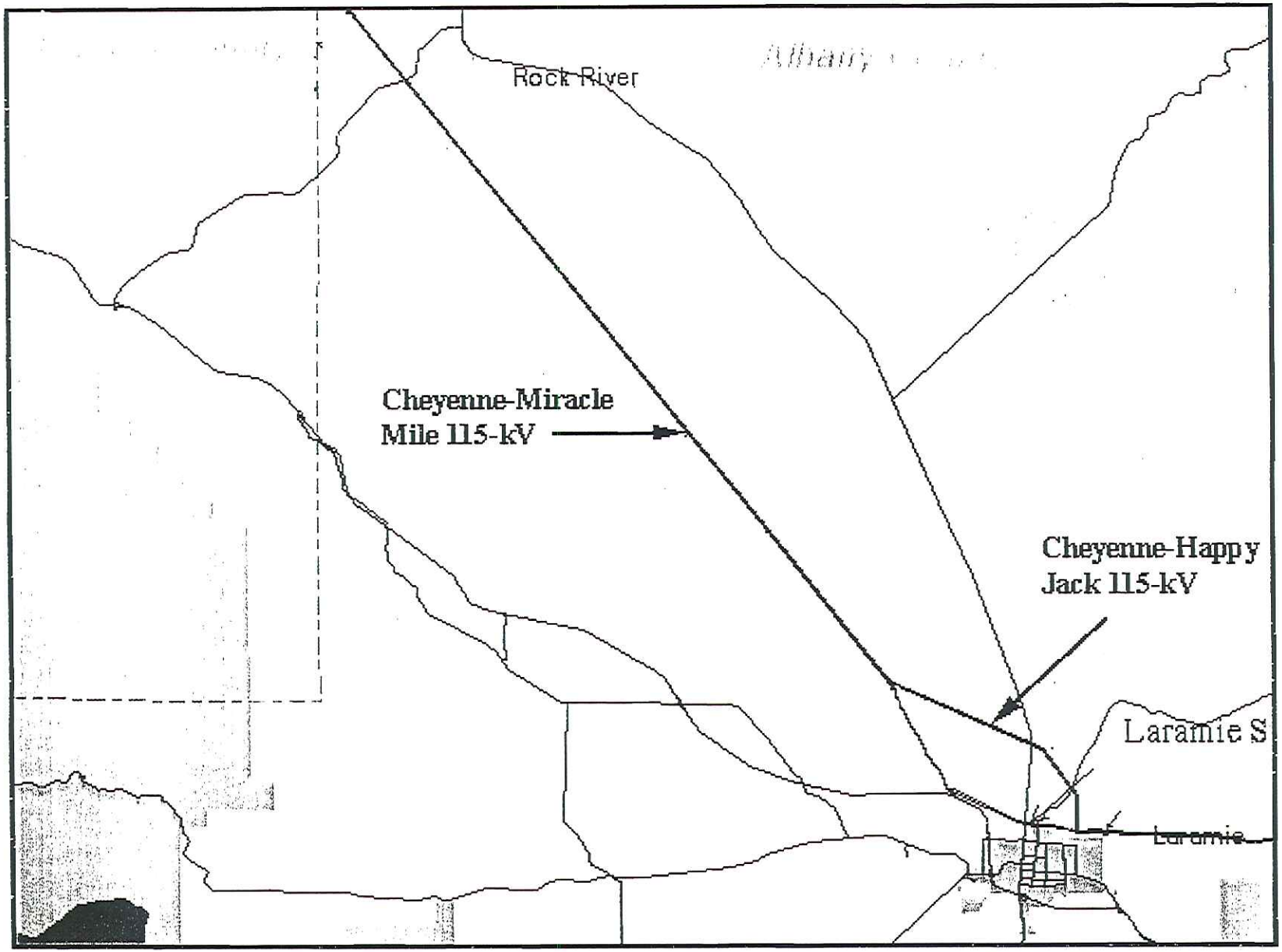
Due to age and weather exposure of this facility, many of the transmission line structures and related hardware have deteriorated. The line is presently 63 years old. Because of its age the potential for structural failures and power outages is increased.

The transmission line would be rebuilt in place between Cheyenne and Seminoe, utilizing the same corridor. The existing transmission line right-of-way (ROW) width is 75 feet. Depending on which design alternative is selected, the maximum transmission line ROW width acquired would be 125 feet. It is anticipated that existing access would be adequate for reconstruction of the transmission line. The transmission line crosses primarily private land, although there are some public lands managed by the Bureau of Land Management and the State of Wyoming.

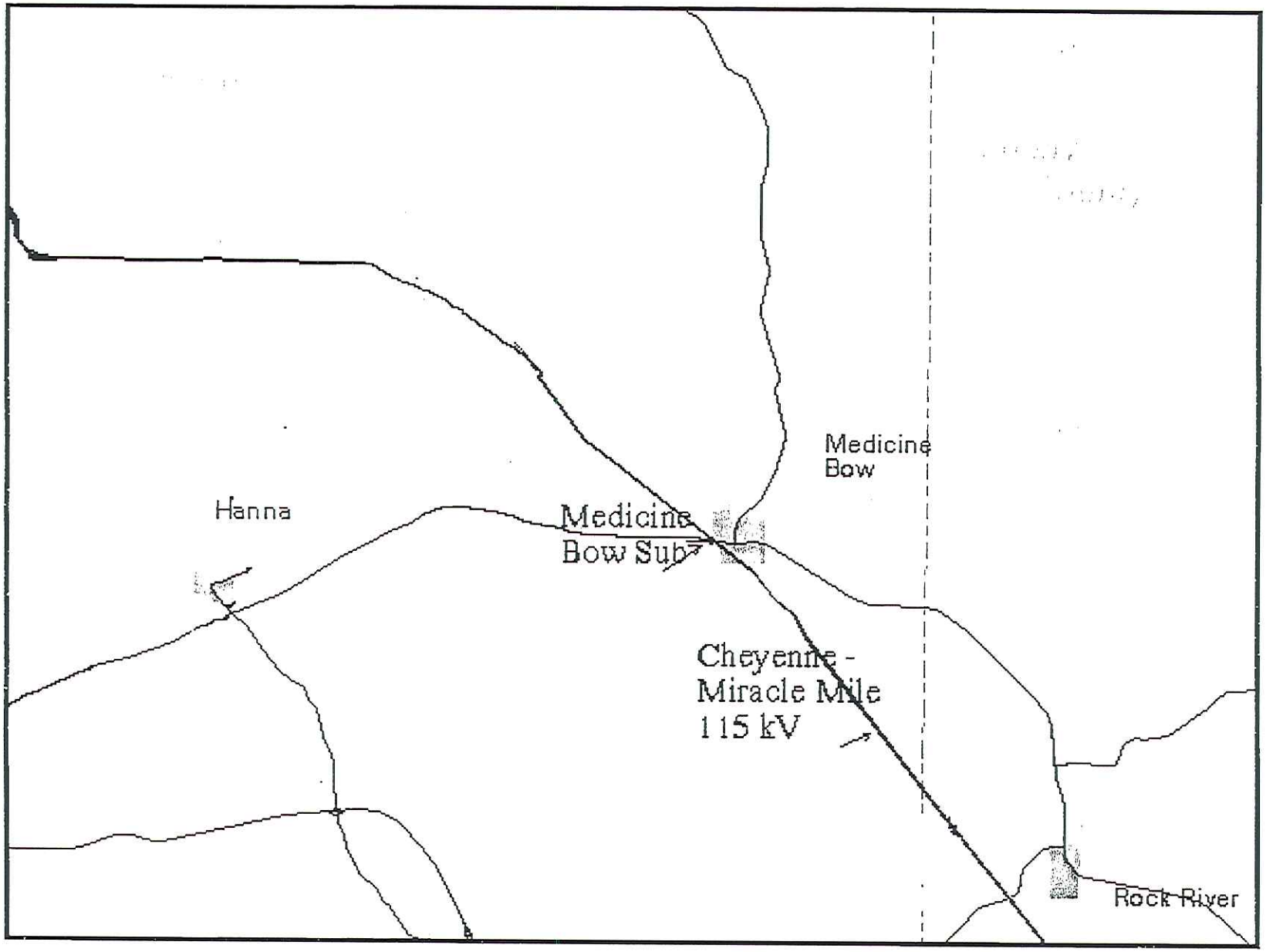
In accordance with the Endangered Species Act of 1973, Public Law 93-203 (87 Statute 884) as amended, Section 7, Western is requesting that your agency furnish us with an updated listing of proposed, candidate, and listed threatened and endangered species that may occur in the area of the proposed action. The information received will be utilized in Western's environmental evaluation to be conducted for the project.



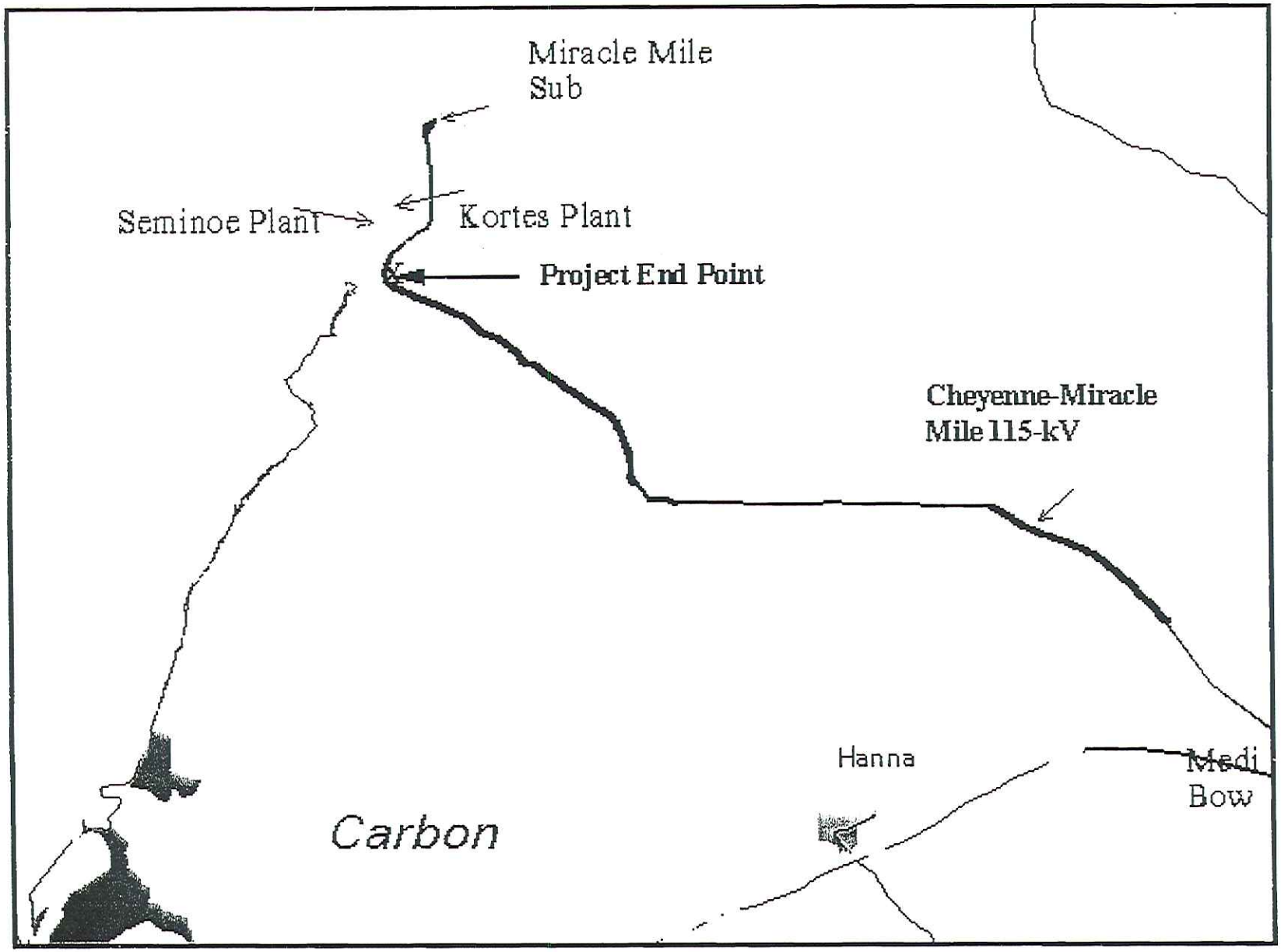
Map 1. Location of the Cheyenne-Miracle Mile 115-kV Transmission Line between Cheyenne and Laramie, Wyoming.



Map 2. Location of the Cheyenne-Miracle Mile 115-kV Transmission Line between Laramie and Rock River, Wyoming.



Map 3. Location of the Cheyenne-Miracle Mile 115-kV Transmission Line between Rock River and Medicine Bow, Wyoming.



Map 4. Location of the Cheyenne-Miracle Mile 115-kV Transmission Line between Medicine Bow and the project end point at Seminoe, Wyoming.